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No. 237.

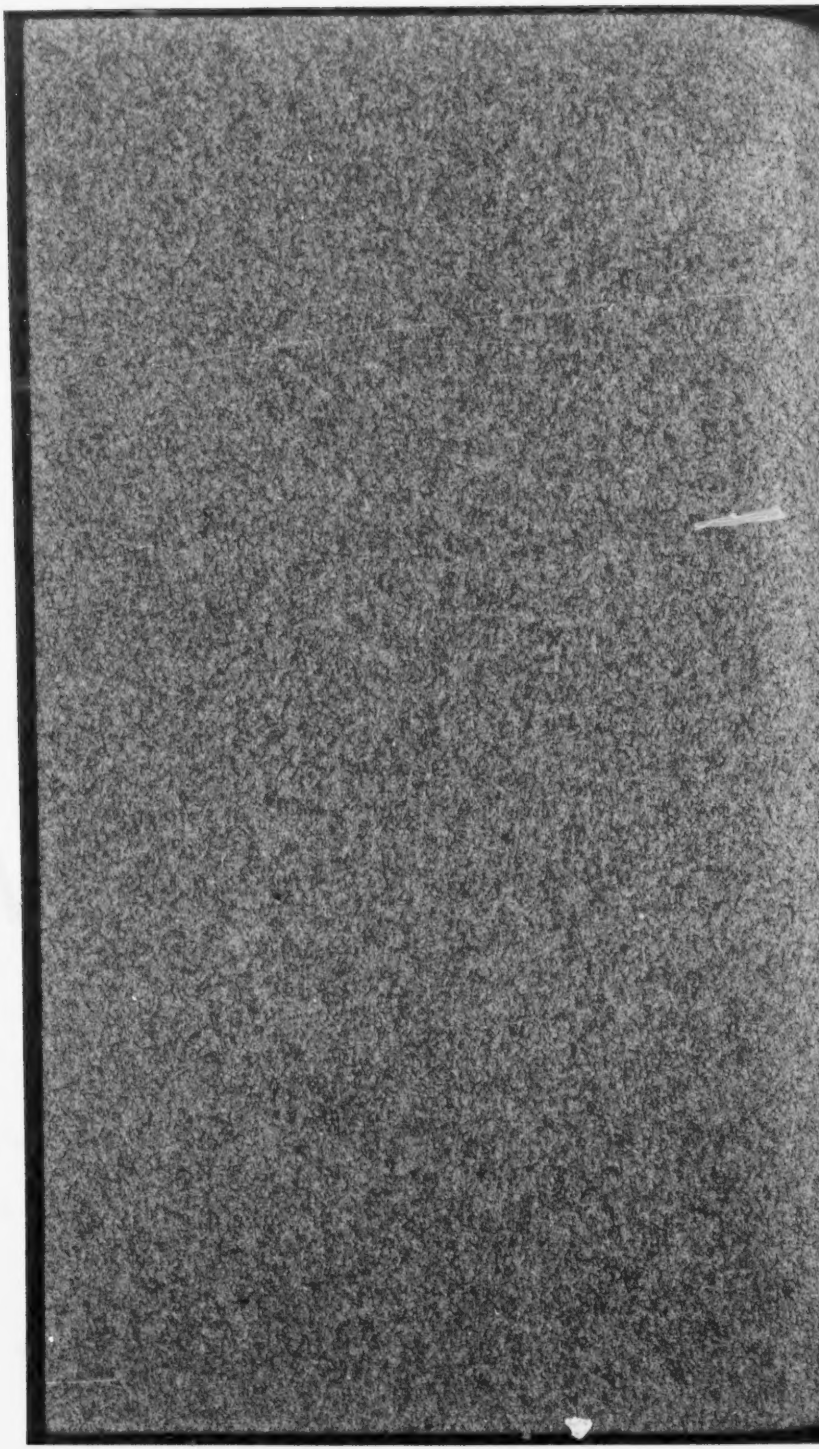
In the Supreme Court of the United States.

OCTOBER TERM, 1905.

PETER PEARSON AND ENOCH PEARSON, PETITIONERS,
v.
WILLIAM WILLIAMS, COMMISSIONER OF IMMIGRATION AT the port of New York, respondent.

ON WRIT OF CERTIORARI TO THE CIRCUIT COURT OF APPEALS FOR THE SECOND CIRCUIT.

BRIEF FOR THE UNITED STATES.



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STATEMENT OF FACTS.

Petitioners and one John Wakefield, subjects of Great Britain, came from England and applied for admission at the port of New York on February 1, 1904. Because of information theretofore received, the immigration officers held the applicants for examination by the Board of Special Inquiry. The testimony before the board was to the effect that these persons were lace workers and weavers from Nottingham, England. They denied having come to the United

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States under contract to or promise of labor, although Peter Pearson admitted (Rec., p. 16) that he had been invited to come here by one Joseph S. Lesser, whom he had known for perhaps twenty years, having frequently met him in England. Lesser was the owner of a factory for the manufacture of lace curtains, located at Gouverneur, St. Lawrence County, N. Y., with an office in the city of New York. They claimed they were going directly to Wilkes-Barre, Pa., to visit a brother of the Pearsons, although as to some of them, the manifest of the vessel showed they were going to Gouverneur, N. Y.

While their testimony was contradictory in certain particulars the Board permitted them to land, but kept them under surveillance to await developments. After landing they went direct to Gouverneur and were put to work in the factory of Lesser, where they were arrested while at work, about two months after their landing, upon a warrant issued by the Secretary of Commerce and Labor ordering that they be brought before the Board of Special Inquiry to show cause why they should not be deported as having been found in the United States in violation of law. (Sec. 21, act of March 3, 1903.) (Rec., p. 13.)

It appears from the record of the proceedings upon the hearing to deport them, before the Board of Special Inquiry, that immediately after their being permitted to land they went direct to Lesser's office in New York, and upon a promise by Lesser, as they say, to pay their expenses to his factory and back, if they were

not satisfied, they then went to Gouverneur to work in his factory. Lesser admits this promise and also admits that he did, in fact, pay their expenses to his factory, and that he sent them in charge of one of his employees. His explanation is that he feared if they went to Wilkes-Barre they would obtain employment in the lace factories at that place and would not return; and as he was very much in need of laborers, he persuaded them not to go there. The witnesses were examined separately, and their testimony fails to agree in a number of important particulars. Affidavits and statements of other persons were taken. As a result the board found they were in this country unlawfully. The Secretary of Commerce and Labor approved that finding and ordered the deportation of petitioners as alien contract laborers. Clearly there was sufficient evidence before the Secretary upon which to predicate his decision. (Rec., pp. 151, 152, 169.)

As this court will not review the sufficiency of the testimony in cases of this character (*Chin Bak Kan* v. *United States*, 186 U. S., 193, 201; *The Japanese Immigrant case*, 189 U. S., 86; *United States* v. *Arteago*, 68 Fed., 883), a detailed statement of the evidence is deemed unnecessary. Counsel for the petitioners concede this proposition. (Brief on petition prop. 11, p. 39.)

Upon the issuance of the order of deportation petitioners sued out a writ of habeas corpus in the Circuit Court of the United States for the Southern District of New York. Upon hearing, the writ was granted and petitioners were discharged. (Rec., p. 148.) The Gov-

ernment appealed from this order to the Circuit Court of Appeals, which court reversed the order of the Circuit Court and remanded petitioners to the custody of the immigration officers for deportation. (Rec., p. 189.) Thereupon petition for certiorari was granted by the Supreme Court.

ARGUMENT.

The sole question in the case is whether the Secretary of Commerce and Labor had authority to order the arrest and deportation of the petitioners in accordance with the provisions of section 21 of the act of March 3, 1903, after hearing and finding by the Board of Special Inquiry according to section 25 of the act that they be allowed to land. (32 Stat., 1213.)

Petitioners insist that the action of the Board of Special Inquiry in allowing aliens to land is final for all time as to their right to remain as well as to land, and that no authority exists in any officer to cause their arrest and deportation. On the other hand, the Government contends that such action can have no other effect than to permit the landing of an alien, and in no way estops the Secretary from exercising the power given him by section 21 of the act of March 3, 1903 (*supra*), to cause their arrest and deportation if he finds that they have, by falsehood, deceived the Board of Special Inquiry and consequently been permitted to land, contrary to the prohibition of law, as alien contract laborers.

I.

The act of October 19, 1888, authorized the Secretary of the Treasury to deport alien contract laborers allowed to land contrary to law. Fraudulent and mistaken entries and not clandestine entries caused its enactment.

The acts of February 26, 1885 (23 Stat., 332), and February 23, 1887 (24 Stat., 414), prohibited the landing of contract laborers in this country. The ingenuity of importers of contract labor successfully evaded those laws by coaching the laborers, and so it became necessary to authorize the deportation of laborers who had secured landing by such means. The deficiency bill approved October 19, 1888, contained an amendment to the contract-labor laws, authorizing "the Secretary of the Treasury, in case that he shall be satisfied that an immigrant has been allowed to land contrary to the prohibition of that law (of 1887) to cause such immigrant, within the period of one year after landing or entry, to be taken into custody and returned to the country from whence he came." (25 Stat., 566.)

It is too apparent for argument that this law authorized the Secretary of the Treasury to deport contract laborers who by *fraud* or *mistake* had been allowed to land by the immigration officers, and that such fraudulent or mistaken entries and not clandestine entries were the cause of its enactment. Indeed, the language of the act, viz, "*has been allowed to land* contrary to the prohibition of that law," specifically applies to those cases where a landing has been effected through fraud or mistake and not to cases of clandestine entry.

If any confirmation of this is needed, we find it in the report of the Select Committee on Immigration and Naturalization made February 14, 1891, after exhaustive hearings. (H. Report 3807, 51st Cong., 2d sess.) The committee says:

> The alien contract law is intended to prevent the landing of any alien who comes under any contract, express or implied, to do labor in this country. But few persons have been returned under this law. It has been charged that a failure to discover and return alien laborers was due to the unfriendly administration of the law, but your committee found that a large share of the inspectors were men representing labor organizations and had been given charge of this work because of their fraternal interest in it and had been specially recommended therefor. Five of these agents were before the committee, and all stated that it was next to impossible to detect a contract laborer, as they come "coached." The agent of the contractor usually accompanies the men on the vessel, and by the day of landing has them so drilled in answers to be given the labor inspectors that they pass their examination with little difficulty. Many of these violations can be detected after the men enter on their work in this country. It is recommended that the period during which an alien can be returned who has landed in violation of this law shall be extended to five years.

II.

The scope of the law of 1888 was not limited before passage of the act of 1903.

Section 11 of the act of March 3, 1891 (26 Stat., 1084), provides:

> That any alien who shall come into the United States in violation of law may be returned as by law provided, at any time within one year thereafter; * * * any alien who becomes a public charge within one year after his arrival in the United States, from causes existing prior to his landing therein, shall be deemed to have come in violation of law and shall be returned as aforesaid.

This provision authorizing the deportation of an alien who might become a public charge within a year after his arrival from causes existing prior thereto, and declaring that his landing should be deemed to have been unlawful, shows that Congress intended by the use of the term "in violation of law," to include all who under the law were in fact members of the prohibited classes, no matter whether they secured admission by means of false statements to the immigration officers, or got into the country by evading them. Congress meant that certain classes of persons should not be permitted to come here, and if they did succeed in entering, no matter how, they might be deported.

In the *Japanese Immigrant case* (189 U. S., 99) the court said:

> The Secretary of the Treasury, under the above act of October 19, 1888, chapter 1210,

was authorized, within one year after an alien of the excluded class entered the country, to cause him to be taken into custody and returned to the country whence he came. Substantially the same power was conferred by the act of March 3, 1891, chapter 551, by the eleventh section of which it is provided that the alien immigrant may be sent out of the country, "as provided by law," at any time within the year after his illegally coming into the United States. Taking all its enactments together, it is clear that Congress did not intend that the mere admission of an alien, or his mere entering the country, should place him at all times thereafter entirely beyond the control or authority of the executive officers of the Government. On the contrary, if the Secretary of the Treasury became satisfied that the immigrant had been allowed to land contrary to the prohibition of that law, then he could at any time within a year after the landing cause the immigrant to be taken into custody and deported. The immigrant must be taken to have entered subject to the condition that he might be sent out of the country by order of the proper executive officer if within a year he was found to have been *wrongfully admitted* into or had *illegally entered* the United States.

III.

Section 21 of the act of March 3, 1903, reenacts the law of 1888, extending, not limiting, the power of the Secretary to deport.

Executive officers construed the act of 1888 as authorizing deportation of all alien-contract laborers

entering the country through the regular channels of inspection, and always enforced the law according to that construction.

Proceedings in this case were based on section 21 of the law of 1903. We are not directly concerned with section 11 of the law of 1891 as reenacted in section 20 of the law of 1903, but its history is instructive in determining the scope of the law of 1888 as reenacted in section 21 of the law of 1903.

Section 11 of the act of 1891, and the act of 1888 were reenacted in substantially the same language in sections 20 and 21 of the act of March 3, 1903 (32 Stat., 1213), which read as follows:

> SEC. 20. That any alien who shall come into the United States in violation of law, or who shall be found a public charge therein, from causes existing prior to landing, shall be deported, as hereinafter provided, to the country from whence he came at any time within two years after arrival, etc.
>
> SEC. 21. That in case the Secretary of the Treasury shall be satisfied that an alien has been found in the United States in violation of this act, he shall cause such alien, within the period of three years after landing or entry therein, to be taken into custody and returned to the country whence he came, as provided in section twenty of this act, etc.

The reports of committees of the Senate and House are appropriate and useful means "of determining the scope of statutes passed on the strength of such reports." (*Binns* v. *United States*, 195, U. S., 486, 495.)

The reports of the Senate and House committees having this act under consideration clearly establish that by these enactments Congress intended to continue in force the previous laws, adding provisions to make them more effective, and extending, not limiting, the power to deport conferred upon the Secretary by the previous laws.

> Section 20 is, in part, a reenactment of section 11 of the act of March 3, 1891. It is, however, a new departure, in so far as it extends the time within which an alien who has become a public charge may be deported from one year to five years after his landing in the United States. * * *
>
> *Section 21 reenacts the provisions of the act of October 19, 1888*, giving the Secretary of the Treasury power to arrest and deport aliens found unlawfully in the United States, and requires their return by the transportation lines to the country whence they came, or, if that can not be done, as in the case of tramp steamers, at the expense of the immigration fund. It also extends the time within which such arrest for deportation may be made to five years, in agreement with the next preceding section. * * * (H. Report 982, 57th Cong., 1st sess.)

With the exception of certain features, which will be referred to further on in this report, this measure is a reenactment of existing laws upon the subject of immigration.

* * * * *

The new legislation presented in the act is either amendatory of that in force or additional

thereto, and the facts and reasoning therefrom in support of it in each instance will be given herein. *The absence of comment on any portion of the measure indicates that such portion is, either in terms or in substance, existing law.*

* * * * *

The period of time within which an alien who has become a public charge, from causes existing prior to landing, may be deported is now one year. Section 21 (20 of the law) extends this period to three years, dividing the cost of deportation during the two additional years between the immigrant fund and the municipality or corporation seeking relief from the burden of such public charge. It also requires the steamship company which brought any such alien to pay one-half of the cost of the inland transportation of such alien to the seaport of return during the year in which it is charged with the cost of his deportation.

Section 22 (21 of the law) imposes a fine upon any steamship company which neglects or refuses to execute the Secretary's warrant for the deportation of aliens found unlawfully in the United States. (S. Report 2119, 57th Cong., 1st sess.)

The House committee states affirmatively, and the Senate committee just as clearly in a negative way, an intention to reenact without reservation the law of 1888 in section 21 of the law of 1903.

The words "has been found in the United States in violation of this act," are broad enough to include all

classes described by the act of 1888, viz, where "an immigrant has been allowed to land contrary to the prohibition of that law," and according to the reports were intended to include them.

IV.

Section 25 of the act of 1903 reenacts section 5 of the act of 1893, not section 8 of the act of 1894 nor the law of 1894. Hence alleged omission of the words "if adverse to the admission of such alien" from section 25 is not significant.

Petitioner contends that section 25 of the act of 1903 by implication makes a reservation from the power conferred upon the Secretary of the Treasury to deport immigrants found unlawfully in the United States, by taking away the right to deport such immigrants allowed to land by the Board of Special Inquiry, which right was expressly granted by the law of 1888, and as has been shown by the reenactment of that law in section 21 of the act of 1903. This contention is based on the alleged omission from section 25 of the act of 1903 of the words "if adverse to the admission of such alien" contained in section 8 of the act of March 3, 1891 (26 Stat., 1084), and the act of August 18, 1894 (28 Stat., 390). These laws read:

> All decisions made by the inspection officers or their assistants touching the right of any alien to land, when adverse to such rights, shall be final unless appeal be taken to the superintendent of immigration, whose action shall be subject to review by the Secretary of the Treasury. (Act of March 3, 1891.)

In every case where an alien is excluded from admission into the United States, under any law or treaty now existing or hereafter made, the decision of the appropriate immigration or customs officers, if adverse to the admission of such alien, shall be final unless reversed on appeal to the Secretary of the Treasury. (Act of August 18, 1894.)

Every alien who may not appear to the examining immigrant inspector at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for examination in relation thereto by a board of inquiry. * * *

Such boards (of special inquiry) shall have authority to determine whether an alien who has been duly held *shall be allowed to land or be deported.* * * * The decision of any two members of a board shall prevail and be final, but either the alien or any dissenting member of said board may appeal, through the commissioner of immigration at the port of arrival, and the Commissioner General of Immigration, to the Secretary of the Treasury (Secretary of Commerce and Labor), whose decision shall then be final; and the taking of such appeal shall operate to stay any action in regard to the final disposal of the alien whose case is so appealed until the receipt by the commissioner of immigration at the port of arrival of such decision. (Sections 24 and 25 of the act of March 3, 1903.)

A Board of Special Inquiry was first created by the act of 1893 (27 Stat., 569). Section 5 of that act provides—

> That it shall be the duty of every inspector of arriving alien immigrants to detain for a special inquiry, under section one of the immigration act of March third, eighteen hundred and ninety-one, every person who may not appear to him to be clearly and beyond doubt entitled to admission, and all special inquiries shall be conducted by not less than four officials acting as inspectors, to be designated in writing by the Secretary of the Treasury or the superintendent of immigration, for conducting special inquiries; and no immigrant shall be admitted upon special inquiry except after a favorable decision made by at least three of said inspectors; and any decision to admit shall be subject to appeal by any dissenting inspector to the superintendent of immigration, whose action shall be subject to review by the Secretary of the Treasury, as provided in section eight of said immigration act of March third, eighteen hundred and ninety-one.

The decision of the board in cases not appealed, and of the Secretary in appealed cases, was final under this section the same as if they had been declared final, as in section 25 of the act of 1903. (The *Japanese Immigrant case*, 189 U. S., 86, 97, 98, and cases there cited; *United States* v. *Arteago*, 68 Fed. Rep., 883; *In re Howard*, 63 Fed. Rep., 263.)

The provisions in the latter section expressly making the decisions of the board and Secretary final, are

merely declaratory of judicial interpretation, and their addition is without significance. The language of the court in the Japanese Immigrant case, above quoted, is therefore determinative of the question here presented.

It was by virtue of section 5 of the act of 1893, and not the acts of 1891 and 1894 that the decision of the Board of Special Inquiry was final, except upon appeal to the Secretary of the Treasury, prior to the enactment of the law of 1903. It was this section and not the acts of 1891 and 1894 that the committees and Congress had in mind when they framed and passed section 25 of the law of 1903. The language and substance of sections 5 of the act of 1893 and 25 of the act of 1903, clearly show this, and the report of the House committee places the matter beyond doubt. It reads "Section 25 amends section 5 of the act of March 3, 1893, by requiring," etc. Congress was not here amending the acts of 1891 and 1894, as no reference is made to them by the committees.

V.

Repeals by implication are supported only when statutes are absolutely irreconcilable. Finality of Board's decision upon right to land and right of Secretary to deport excluded classes, allowed by Board to land through fraud or mistake, are consistent.

Petitioners' contention if supported amounts to a repeal by implication of the law of 1888, as the purpose of the enactment of the former, viz, to confer upon the Secretary power to deport contract laborers who deceive the immigration officers, would be defeated.

"Repeals by implication are not favored, and when two statutes cover in whole or in part the same matter and are not absolutely irreconcilable, effect should be given, if possible, to both of them." (*United States* v. *Greathouse*, 166 U. S., 60.)

If this familiar canon of construction is followed in the present case the Government's contention must be upheld. It is entirely consistent for the decision of the Board of Special Inquiry upon an immigrant's *right to land* to be final unless appealed from, and that the Secretary of the Treasury have the *right to deport* if he finds an alien has by mistake or fraud obtained favorable decision by the Board.

A clear distinction between authority to *exclude* aliens when entering and to *deport* aliens found unlawfully in the United States is recognized in the Chinese exclusion laws.

Section 13 of the act of September 13, 1888 (25 Stat., 479), provides for the arrest of any Chinese person found unlawfully in the United States and for a hearing before a justice, judge, or commissioner as to his right to reside within the United States.

In *United States* v. *Lau Sun Ho* (85 Fed., 422), a proceeding to deport a Chinese person who had been permitted to enter the United States by means of false and fraudulent representations that she was born here, the court, speaking with respect to the effect which should be given to the action of the collector in admitting such person, said (p. 423):

> But the action of the collector of customs in permitting a Chinese alien to land in this coun-

> try is not in any sense judicial. * * * The law does not give to such order or permission the effect of a judgment that such person is entitled to remain in the United States. The only effect of such permission is that the passenger claiming the right so to do is allowed to land, and if subsequently such alien is arrested and charged with being unlawfully within the United States, the order of the collector of customs under which such person was permitted to land is not even prima facie evidence of his right to remain in the United States, and the court, in such a proceeding, inquires into the truth of the matter, unembarrassed by such order of the collector.

To the same effect is the case of *Chain Chio Tong* v. *United States* (133 Fed., 154), decided by the Circuit Court of Appeals for the Ninth Circuit. In that case the Chinaman, in presenting a merchant's certificate, was permitted to enter. As a matter of fact he was a laborer, and was permitted to land because of his false statements. The court held that such entry was unlawful and did not entitle him to remain in the United States, and affirmed the order of deportation which had been made by the Commissioner and affirmed by the District Court.

This court has also recognized this distinction in the above quotation taken from the Japanese immigrant case.

In its report the House committee says, "The jurisdiction of the board is strictly defined, to avoid an unnecessary expenditure of time on other questions

than those for whose determination such boards are required."

Petitioners contend this would make the decision of the board final for only five minutes. In the first place, the board consists of immigration officers working under the supervision and direction of the Secretary of Commerce and Labor, and it is to be presumed that all will perform their duties properly and harmoniously. Secondly, the procedure for deportation under section 21, adopted by the Secretary, eliminates all possibility of conflicting action. Upon the arrest of an alien for deportation, the Secretary orders him to be taken before the Board of Special Inquiry to show cause why he should not be deported, and that board makes a finding and recommendation upon which the Secretary acts.

VI.

Senate and House committee reports deny an intention to withdraw from the Secretary power to deport aliens of excluded classes allowed by Board to land.

In no place in its exhaustive report does the House committee indicate an intention to limit the power of the Secretary to deport aliens found unlawfully in the United States so that he can not deport aliens once admitted by the Board of Special Inquiry. If such had been the intention it surely would have been mentioned in such an exhaustive report. The Senate committee in its report said "the absence of comment on any portion of the measure indicates that such portion is either in terms or substance existing law." No

reference is made by it in connection with section 25 or any other section to any limitation upon the power of the Secretary to deport under the law of 1888, as reenacted in section 21, act of 1903.

VII.

An implied limitation on power of Secretary to deport is inconsistent with general purpose of Congress in passing law of 1903 to make contract-labor laws more stringent.

If any further confirmation is needed of the intention of Congress to extend and not curtail the power of the Secretary to deport under the law of 1888, by the law of 1903, we find it in the general purpose manifested throughout the law to make the prohibition against the importation of contract labor more stringent. Section 4 extends the prohibition against contract labor importations to *skilled* laborers, and to "any offer, solicitation, promise, or agreement, parole or special, expressed or implied," instead of limiting it as in previous laws to a strict legal contract. Section 19 adds to section 10 of the act of 1891 by providing that an alien rejected as a contract laborer may be detained as a witness against the party inducing his unlawful immigration. Section 21 extends the time when the Secretary may deport from one to three years. In short, the whole purpose and spirit of the law is to further restrict the immigration of contract laborers and all other undesirable classes. All immigrants about whom inspectors entertain a doubt go before the Board of Special Inquiry,

and a limitation upon the power of the Secretary to deport, such as petitioner here contends for, which will deprive the Secretary of the right to expel from the country beggars, criminals, polygamists, anarchists, prostitutes, and contract laborers who have once passed the board, is contrary to the purpose of the law, and entirely unwarranted as a deduction, directly or indirectly, from any language contained in the law and reports of the committees. The object of the provisions for the Board of Special Inquiry was added protection to the United States, and not to give aliens protection against expulsion by the Secretary.

Referring to section 24, the House committee says:

> It also repeats existing law in requiring the examination officer to detain for special inquiry all aliens as to whose right to admission he entertains any doubt. A new provision is included in this section, giving the right to any immigration officer to challenge the conclusion of any examining officer that an alien is entitled to land.
>
> This does not do any injustice to such an alien, since it merely brings his case before a board of special inquiry for adjudication, while it protects the American people from the danger of admission of aliens not entitled thereto either from the possibly disinterested motives of an officer or as a result of his lack of sound judgment.

It seems that the purpose of the provision of section 25 was not to fix absolutely the right of an alien to remain in this country, but only to vest in the officers

the power to determine whether, from the facts presented, the alien should be allowed to land at all; and the sole purpose of making the decision of the officers upon the question of admission final, was to prevent the taking of appeals to the courts by an alien by means of the writ of habeas corpus.

VIII.

Congress has power to authorize the Secretary to deport aliens allowed by Board to land.

The unrestricted right of Congress to give the Secretary of the Treasury power to deport an alien whom he is satisfied is in the country unlawfully, after the alien has been allowed to land by the Board of Special Inquiry, can not be doubted. That such right exists is decided in *Fong Yue Ting* v. *United States* (149 U. S., 698). The following quotations from that decision are apposite (pp. 705, 707 and 713):

> It is an accepted maxim of international law that every sovereign nation has the power, as inherent in sovereignty, and essential to preservation, to forbid the entrance of foreigners within its dominions, or to admit them only in such cases and upon such conditions as it may see fit to prescribe. * * *
>
> The right of a nation to expel or deport foreigners who have not been naturalized or taken any steps toward becoming citizens of the country rests upon the same grounds and is as absolute and unqualified as the right to prohibit and prevent their entrance into the country. * * *

The power to exclude aliens and the power to expel them rest upon one foundation, are derived from one source, are supported by the same reasons, and are in truth but parts of one and the same power.

IX.

Deportation by Secretary of excluded classes allowed by Board to land works no injustice.

Petitioners claim that the question tried under the deportation proceedings is the same question tried upon the application of the petitioners for admission, and that to retry them upon the same charge after a decision in their favor "would be abhorrent to the principles of common law and of all civilized communities."

The answer to this claim is that the charge of being unlawfully in the United States was not tried when these persons presented themselves for admission, and if it were, there is no principle, moral or equitable, which can be invoked that will enable petitioners to take advantage of their own wrong. They were alien contract laborers, members of a class prohibited by section 2 of the act of 1903 from coming to or remaining in the United States. They came, or are presumed to have come, with full knowledge that they were not entitled to enter. They secured admission because of the false statements made by them to the proper officers. They can not be heard to complain because the law has overtaken them and is about to expel them from the country. The proceeding is not a criminal

one; it is nothing more than a proceeding to expel persons who have entered the country unlawfully and who have no right to remain. The action of the immigration officers was in no sense a judicial proceeding. By section 23 of the act their duties were expressly declared to be "of an administrative character." With thousands of aliens daily entering our gates it would be impossible for the officers to investigate each case in order to determine finally that the person is entitled to enter and to remain in the United States. For this reason Congress enacted the provision that any person found to be unlawfully here may be arrested and deported by the proper administrative officers. And we submit that the cases of the petitioners show the wisdom of this provision. Their acts subsequent to their admission furnished the evidence which satisfied the officers that their former statements were untrue and that they have no right to be or remain in the United States.

We submit that the judgment of the Circuit Court of Appeals is right, and should be affirmed.

CHARLES H. ROBB,
Assistant Attorney-General.

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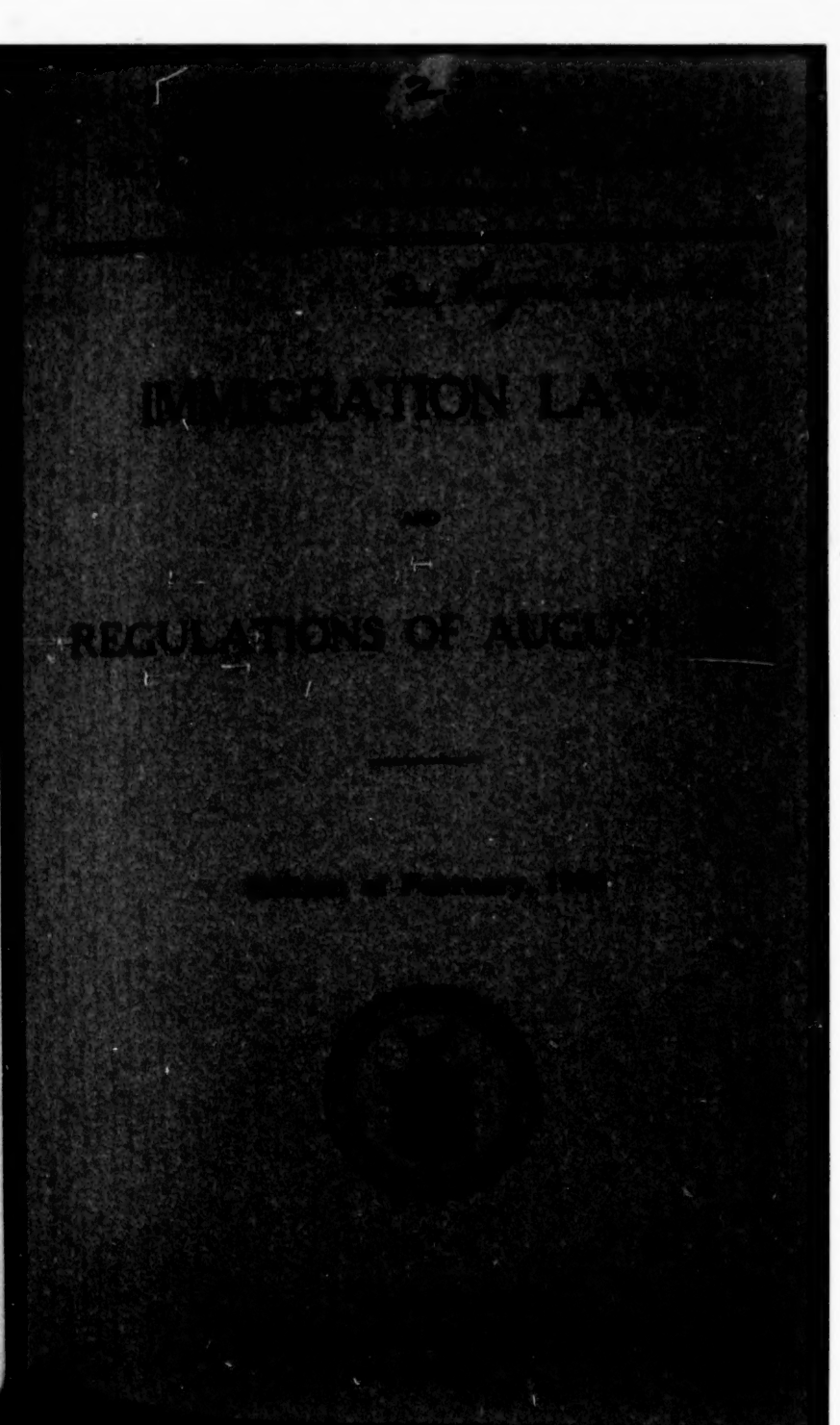

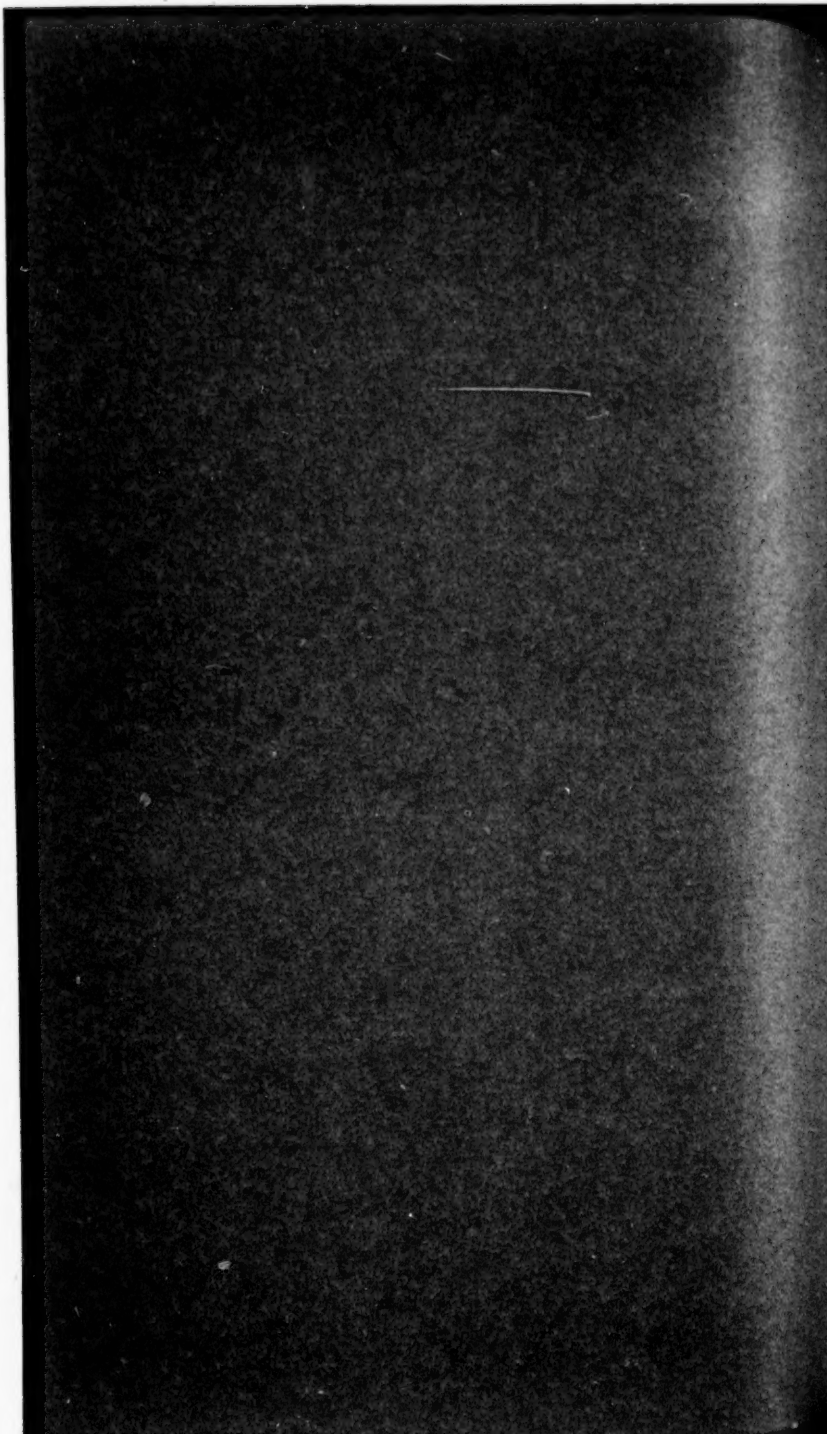

DEPARTMENT OF COMMERCE AND LABOR

BUREAU OF IMMIGRATION

IMMIGRATION LAWS

AND

REGULATIONS OF AUGUST, 1903

Edition of February, 1906

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DEPARTMENT OF COMMERCE AND LABOR

Document No. 9

BUREAU OF IMMIGRATION

IMMIGRATION LAWS AND REGULATIONS.

IMMIGRATION REGULATIONS.

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF IMMIGRATION,
Washington, D. C., February 2, 1906.

ULE 1. Collectors of customs shall collect, as provided in section 1 he act approved March 3, 1903, a duty of $2 for each and every enger, not a citizen of the United States, or of Canada, or of a, or of Mexico, or of Newfoundland, who shall come by steam or vessel from any foreign port to any port within the United States; no duty shall be paid for such passengers proceeding in contin- s transit through the United States to foreign territory, nor for e who have once been admitted to the United States and have the head tax who shall later go in transit from one part of the ted States to another through foreign contiguous territory.

ULE 2. Under the authority contained in the proviso to section 1 he act approved March 3, 1903, the duty of $2 levied upon rail- s or other transportation agencies for passengers brought by n overland from foreign contiguous territory shall be collected, l otherwise provided, in accordance with the terms of an agree- t between the Commissioner-General of Immigration and cer- transportation companies of the Dominion of Canada, of date ember 1, 1901.

ULE 3. All such moneys so collected, as well as all moneys col- ed for rentals of exclusive privileges at United States immigrant ons, shall be deposited to the credit of the Treasurer of the United es on account of "immigrant fund," with an assistant treasurer of United States, or national-bank depositary, in the same manner as r miscellaneous collections are reported. Separate accounts of receipts and expenditures of money under the act shall be rendered thly to the Secretary of the Treasury through the Department of mmerce and Labor, on forms to be furnished by the Government the purpose.

RULE 4. Every railway company or other transportation agency claiming exemption from payment of the head tax for any passenger brought by it to a point on the land boundary of the United States for entry thereat, under the exemption from such payment provided in section 1 of the act approved March 3, 1903, shall produce to the appropriate officer at such point a letter from an immigration officer at, or nearest to, the alleged residence of such passenger, stating that after investigation said immigration officer has ascertained that said passenger had already been lawfully admitted to the United States and that the head tax for his admission had been paid at the time of such admission, and said company or other transportation agency shall also show, as evidence that the transit of such passenger was continuous, the dated ticket issued to such passenger.

RULE 5. The head tax provided for in section 1 of the act approved March 3, 1903, shall be collected and paid for every alien passenger not specifically excepted therein.

RULE 6. The provisions of the immigration laws, and of regulations passed thereunder, except those of section 1 of the act of March 3, 1903, in relation to the payment of the head tax, extend to all persons not citizens of the United States either by birth or by naturalization therein.

RULE 7. Every alien arriving at a port of the United States shall be promptly examined, as by law provided, either on shipboard or at some other place designated for that purpose. If found admissible, he shall be at once landed, but if upon special inquiry he is denied admission, he shall be informed that he has a right of appeal therefrom, and the fact that he has been so informed shall be entered of record in the minutes of the board's proceedings, but no appeal will be considered after any such alien has, in consequence of an adverse decision of a board of special inquiry, been transferred from an immigrant station to be deported.

RULE 8. Every alien detained for special inquiry, which shall be conducted separate and apart from the public, shall have a speedy hearing, and, upon the conclusion thereof, be either at once landed or ordered deported. If he elects to appeal from said order of deportation, he must, to enable officers to comply with the provisions of section 19 of the act of March 3, 1903, file notice of such appeal promptly, and a like right of appeal may be exercised by any member of a board of special inquiry who dissents from the decision rendered by such board.

RULE 9. Every such notice of appeal shall act as a stay upon the disposal of the alien whose rights are thereby affected until a final decision is rendered by the Department; and, within thirty-six hours after the filing of such notice, the record of the case, together with

such briefs, affidavits, and statements as are to be considered in connection therewith, should be forwarded to the Commissioner-General of Immigration by the immigration officer in charge at the port of arrival, accompanied by his views thereon in writing; but on such appeal of any case to the Department no evidence will be considered which has not already been passed upon in said case by a board of special inquiry. If additional time is granted to the friends or counsel of an appealing alien to prevent a miscarriage of justice, the said immigration officer may require the deposit of a sum of money sufficient to defray the cost of maintaining appellant during the additional time thus allowed.

RULE 10. The commissioner of immigration or the immigration officer in charge at the port of landing shall enter of record the name of every alien found upon examination to be within any of the prohibited classes, with a statement of the decision in each case; and if such decision be appealed from, immediately upon the receipt from the Department of its conclusions thereupon the alien shall be at once landed or deported in accordance with such conclusion. If a landing is refused on appeal, the master, agent, consignee, or owner of the vessel by which the said alien arrived shall be notified thereof by the commissioner or immigration officer in charge, and that the said alien will be placed on the said vessel to be returned as aforesaid.

RULE 11. Attorneys and persons appearing in behalf of detained aliens shall not be permitted to charge a sum exceeding ten dollars ($10) in each case unless the commissioner shall, in writing, allow an additional compensation, which fee shall be payable through the commissioner. Anyone charging an alien a fee prior to his detention, or charging or receiving from an alien or his relatives or friends a fee, gift, or compensation for his services in excess of above rates, or who shall deprive an alien of any part of his chattels or effects in lieu of, or as security for, said fee, shall not be permitted to practice at any immigrant station of the United States.

RULE 12. The expenses incurred for the keeping and maintenance of every alien temporarily removed from a vessel, as provided by law, shall be borne by the owner or owners of the vessel upon which he came until he is lawfully landed or delivered on board such vessel for deportation.

RULE 13. The master, agent, owner, or consignee of any vessel on which aliens are brought to the United States shall, at least twenty-four hours in advance thereof, notify the commissioner of immigration of the intended time of sailing of such vessel, in order that said officer may place on board thereof every alien brought thereon who has been refused a landing.

RULE 14. Every alien professing to seek a landing for the purpose of proceeding directly through the United States to a foreign country shall be examined, and, if found to be a member of any one of the excluded classes, shall be refused permission to land, in the same manner as though he intended to remain in the United States.

RULE 15. No alien desiring admission at a port of the United States for the professed purpose of proceeding directly therefrom to foreign territory shall be permitted to land thereat except after deposit with the collector of customs at said port, by the master or owner of the vessel on which such alien is brought, of the amount of the head tax ($2) prescribed by section 1 of the act approved March 3, 1903; said amount to be refunded upon proof satisfactory to the immigration officer in charge at the port of arrival that said alien has passed by direct and continuous journey through and out of the United States within thirty days from the date of admission, proof of such departure to be furnished within a reasonable time. Special deposits of head tax on account of aliens in transit will, at the expiration of thirty days, be covered into the Treasury as head tax, the cases in which proof of departure is received after thirty days to be reported to the Bureau of Immigration for special authorization, under the provision incorporated in the legislative, executive, and judicial appropriation act approved February 3, 1905.

RULE 16. Every alien who left the port of embarkation in good physical condition, and who would be qualified to land but for some sickness or disability other than a loathsome or a dangerous contagious disease, which was contracted or which developed during the voyage, may either remain on shipboard or be removed for hospital treatment at the expense of the owners of the vessel on which he came, and while detained in hospital he shall not be considered as landed; provided that if the sickness or disability with which such alien is afflicted is so slight, in the judgment of the examining medical officer, as not to require treatment in hospital, and said alien is able to pay for the necessary medical care he needs, he shall be landed. Requests by such owners for reimbursement for hospital expenses may be made only in respect of aliens detained under the provisions of this rule, and then only in a proper manner.

RULE 17. Any alien who has been lawfully landed, but who has become a public charge from subsequently arising physical inability to earn a living, which is likely to be of a permanent nature, may, by consent of the alien and with the approval of the Bureau of Immigration, be deported within one year from date of landing, at the expense of the immigrant fund, provided that such alien is delivered to the immigration officers at a designated port free of charge; and the

charges incurred for the care and treatment of any such alien in any public or charitable institution from the date of notification to an officer of the Bureau of Immigration until the expiration of one year after landing may be paid from the immigrant fund at fixed rates agreed upon.

RULE 18. Any alien who has been finally determined to be admissible may be permitted to wait for friends or remittances upon payment by him of expenses incurred by reason of such delay. In case such an alien is unable, from accident or other unavoidable circumstances, to immediately continue his journey, and is without sufficient means to defray the expense of his enforced delay, the commissioner of immigration may, in his discretion, pay said expense, reporting said case to the Bureau of Immigration with reasons for his action, and request that such expense be repaid out of the immigrant fund.

RULE 19. Not over one accompanying alien (preferably the natural guardian or a relative) shall be detained at the expense of the transportation company for the purpose of caring for an alien who, for any reason, is detained for further inquiry, if the latter requires such care. (See sec. 11, act approved March 3, 1903.)

RULE 20. No application for the admission under bond of a debarred alien will be considered except in cases in which deportation of the alien in whose behalf such application is made would involve the separation of immediate members of a family by whom such alien is accompanied, and in that case only when a deposit of money is made sufficient to defray the expense of maintaining such alien whilst awaiting a decision upon such application.

RULE 21. The cost of returning aliens under the provisions of sections 19, 20, and 21 of the act approved March 3, 1903, shall include all expenses incurred for maintenance of such aliens after such cases are brought to the attention of an officer of the Bureau of Immigration, provided said Bureau, upon investigation, has ascertained the case to be one for deportation and has so ordered.

RULE 22. Every immigration officer deporting any alien under the provisions of section 20 or section 21 of the act of March 3, 1903, shall submit to the Bureau of Immigration for approval bills for one-half the cost of inland transportation of such alien to the seaport of deportation against the vessel or transportation line by which such alien was brought to the United States, in order that the amount so expended by any such officer may be collected.

RULE 23. In case of the failure of the master or commanding officer of any vessel bringing aliens to any port within the United States to deliver to the immigration officers at said port lists or manifests of such aliens, as required in sections 12, 13, and 14 of the act approved March 3, 1903, there shall be paid to the collector of customs at the

port of arrival the sum of $10 for each alien concerning whom the information required by such sections is not contained in any list or manifest as aforesaid. Under an opinion of the Solicitor of the Treasury the fine mentioned in this rule can not be remitted.

RULE 24. The certificate required by section 8 of the act approved March 3, 1893, shall be filed with the Secretary of Commerce and Labor upon the first days of January and July of each year.

RULE 25. No charge for food, lodging, or maintenance, or for hospital attendance, medicines, or other hospital expenses shall be made in excess of the actual cost of furnishing the same, the intention being to make the Service self-sustaining without profit.

RULE 26. Every officer of the United States Public Health and Marine-Hospital Service detailed under section 17 of the act approved March 3, 1903, for duty to any point in the United States shall, during the continuance of such detail, be under the direction (subject to the Public Health and Marine-Hospital Service regulations governing the medical inspection of aliens, as approved by the Secretary of the Treasury November 18, 1902) of the immigration officer in charge of the said port.

RULE 27. There shall be made by the commissioners of immigration at the various ports of the United States and Canada weekly reports to the Bureau of Immigration containing a list of all aliens detained at the close of business on Saturday of each week, in which shall be embodied the following information: Name of alien; age and sex; date of arrival; vessel on which alien arrived; date of detention; cause of detention; whether case has been disposed of, and if so, what disposition has been made of it.

RULE 28. Officers employed in the administration of the immigration and Chinese-exclusion laws are notified that all communications to the Department upon official matters must be addressed to the Commissioner-General of Immigration or to the Secretary of Commerce and Labor.

RULE 29. The cases of aliens who have become public charges should be reported to the immigration officer stationed *nearest* the place where the aliens are confined, such reports to be accompanied by an unequivocal certificate of the principal medical officer of the institution of which such aliens are inmates, setting forth the mental or physical disability of the alien in each instance and stating whether or not such alien is a public charge due to causes existing prior (or arising subsequent) to the landing of such alien in the United States. Sufficient data regarding time and port of arrival and the name of the vessel or line which brought the aliens should also accompany such reports.

RULE 30. In the event that the examining medical officer is able to

certify unequivocally that an alien was, at the time of landing in the United States, afflicted with insanity, idiocy, epilepsy, or a loathsome or dangerous contagious disease, such a certificate will be accepted as *prima facie* evidence of entry in violation of section 2 of the act approved March 3, 1903.

RULE 31. Every immigration officer receiving a report in conformity with rule 29, accompanied by a medical certificate that complies with either rule 29 or rule 30, shall communicate with the officer in charge at the port of entry and, if landing is verified from the official records, shall make application for warrant in the manner provided by circular number eight, Bureau of Immigration. Such aliens will not be removed from the institutions in which they are confined unless, after due hearing, an order of deportation is issued or unless special instructions for removal are incorporated in the warrant.

F. P. SARGENT,
Commissioner-General of Immigration.

Approved:
V. H. METCALF,
Secretary of Commerce and Labor.

EXAMINATION OF ALIEN SEAMEN UNDER THE PROVISIONS OF THE LAWS REGULATING IMMIGRATION.

1903.
DEPARTMENT CIRCULAR No. 10.
BUREAU OF IMMIGRATION.

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, August 1, 1903.

To commissioners of immigration and other officers charged with the administration of the various laws pertaining to the immigration of aliens:

In view of the opinion of the Attorney-General of the United States, of date September 10, 1901 (23 Op., 521), you are hereby instructed that it is your duty to make such an investigation of every vessel arriving at a port of the United States from any other than a mainland or continental port thereof, as will enable you to ascertain the members of their respective crews who are aliens, as well as the intention of such alien members in seeking a landing.

(1) Alien seamen who seek to land, in the regular course of their pursuit, with the bona fide intention of departing as soon as practicable upon some outward-bound vessel, are not to be held for examination touching their right to land under the various acts regulating immi-

gration into the United States, nor shall the masters of the vessels upon which they come to a port of the United States be charged on their account with the head tax prescribed by section 1 of the act approved March 3, 1903.

(2) Alien seamen who are discharged, or are to be discharged, or who have deserted their vessel at a port of the United States with any other object in view than departing as described in the next preceding paragraph (1) are in no respect to be distinguished on account of their prior calling or occupation as seamen from other aliens seeking admission to this country, either as regards collection of head tax on their account or as respects the examination and determination of their right to remain under the various acts regulating immigration.

(3) All other aliens signed on the ship's articles of any vessel arriving at a port of the United States shall be examined, and in all respects regarded, as alien passengers, on account of whom the head tax should be collected and who should be admitted, or ordered returned to the countries whence they came, in accordance with the laws and regulations governing immigration.

GEO. B. CORTELYOU, *Secretary.*

[Bureau Circular No. 8.]

REGULATIONS GOVERNING WARRANTS—IMMIGRATION SERVICE.

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF IMMIGRATION,
Washington, February 5, 1904.

To all officers charged with the enforcement of the immigration laws:

You are hereby directed to conform in future, in making application for warrants for the arrest and deportation of aliens found unlawfully in the United States, to the following regulations:

(1) All such applications must be made, if possible, upon blank forms (No. 565), which will be furnished upon written request to the Commissioner-General of Immigration, Department of Commerce and Labor, and which must be filled out in accordance with the printed lines contained therein, and be accompanied by the certificate of landing or entry (Form No. 564), hereinafter prescribed, or if not so accompanied the reasons for the absence of such certificate must be given, and in that case all the facts called for in the blank form of said certificate shall be set forth in the application, so far as the facts are ascertainable.

(2) A full statement must be made in every such application of the facts, supported if practicable by affidavits, which show the presence in the United States of the alien, whose arrest and deportation is sought, to be in violation of law.

(3) The certificate of landing in, or entry into, the United States must contain a complete statement in detail of all the facts disclosed as to any such alien by the manifest or list containing his name, with an attached certificate by the officer in charge of such manifest that the information given agrees in all particulars with the record of such alien in said list or manifest.

(4) If the circumstances of any particular case necessitate resort to request by wire, such request must state that the foregoing regulations have been complied with, and that the form of application and certificate hereinbefore mentioned have been forwarded to the Department, and must give the substance of the statement of facts contained in the said application and certificate.

(5) If, upon the receipt of any such application and certificate, or of the request by wire provided for in paragraph 4, either completely in conformity with these regulations or accompanied by a satisfactory explanation of inability to comply therewith, it appears to the Secretary that the alien whose arrest and deportation is sought is in the United States unlawfully and that the time within which he can be deported has not expired, a warrant for his arrest will be issued directing that he be taken before an officer, or officers, named therein, and there be given full opportunity to show cause, if there be any, why he should not be deported, and as soon as arrested said alien shall be apprised of his right to be represented by counsel, and he and his counsel shall have the right to inspect all the evidence upon which the Secretary has acted in directing said alien's arrest, and be given an opportunity to offer evidence and submit an argument in his behalf, and be given an opportunity to inspect and make a copy of the report of the hearing and of the findings of the officers before whom it is held. In case said alien is unable to understand or to speak the English language, an interpreter shall, if possible, be employed at the hearing.

(6) If, after the receipt of the report of such hearing, accompanied by the findings of the officers before whom it was held, it shall appear to the satisfaction of the Secretary, from all the evidence, that such alien is in the United States in violation of law and that the time within which he can be deported has not expired, a warrant will be issued for his deportation.

(7) Officers are warned that their duties are not of an inquisitorial nature; but they are directed to make thorough investigation of all cases where they are credibly informed, or have reason to believe, that a specified alien is in the United States in violation of law. It is not permissible for officers to resort to intimidation by threats or violence in order to extort from any suspected alien or from any other person the information to be embodied in the application for the warrant of arrest.

F. P. SARGENT,
Commissioner-General.

Approved:
GEO. B. CORTELYOU,
Secretary.

MEDICAL CERTIFICATES UPON MANIFESTS OF ALIENS BROUGHT TO THE UNITED STATES ON VESSELS SAILING WITHOUT SURGEON.

1904.
DEPARTMENT CIRCULAR No. 50.
BUREAU OF IMMIGRATION.

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, October 4, 1904.

To whom it may concern:

The immigration act approved March 3, 1903 (section 14), requires that when no surgeon sails with a vessel bringing aliens to the United States the mental and physical examination of such aliens shall be made by "some competent surgeon employed by the owners of the said vessel."

The certificate (unverified) of a responsible surgeon at the point of embarkation or at the last port of call, in the form appearing upon the reverse side of the manifest (Form 500), will, until further notice, be accepted by immigration officers as a compliance with the statute.

Section 15 of the act approved March 3, 1903, reads as follows:

"That in the case of the failure of the master or commanding officer of any vessel to deliver to the said immigration officers lists or manifests of all aliens on board thereof as required in sections twelve, thirteen, and fourteen of this act, he shall pay to the collector of customs at the port of arrival the sum of ten dollars for each alien concerning whom the above information is not contained in any list as aforesaid."

LAWRENCE O. MURRAY,
Acting Secretary.

PROCEDURE FOR IMPOSITION OF FINES ON ACCOUNT OF BRINGING DISEASED ALIENS TO THE UNITED STATES.

DEPARTMENT CIRCULAR No. 58.
BUREAU OF IMMIGRATION.

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, January 25, 1905.

To whom it may concern:

As a means of enforcing the collection of any fine imposed under the provisions of section 9 of the immigration act approved March 3, 1903, the said section directs the refusal of clearance papers to any vessel bringing any alien, diseased as described therein, to a port of the United States.

To avoid, on the one hand, the denial of reasonable time to the master, agent, owner, or consignee to show cause why such fine should not be imposed, and, on the other hand, the loss of the summary and effective means provided for the collection of such fines, the following regulations are hereby promulgated:

1. *Medical certificates.*—The certificate of the medical examiner in the case of an alien afflicted with a loathsome or dangerous contagious disease shall state in terms whether, in his judgment, the "existence

of such disease might have been detected by means of a competent medical examination at the port of foreign embarkation."

2 *Notification.*—Upon the receipt of a medical certificate in compliance with the preceding paragraph hereof, the commissioner of immigration or inspector in charge at the port of arrival shall *at once* serve notice upon the master, agent, owner, or consignee of the vessel upon which such alien arrived, in the following form, printed blanks for that purpose to be procured from the Department, viz:

DEPARTMENT OF COMMERCE AND LABOR,
IMMIGRATION SERVICE,
OFFICE OF.....
PORT OF.....
....., 190..

To.....,
..... of the steamship .....
[Master, agent, owner, or consignee.]
.....

In conformity with the requirements of Department circular No. 58, you are hereby notified that a certificate of the examining surgeon, based upon a physical examination of the alien whose name is shown herein, indicates that a fine should be imposed under the provisions of section 9 of the immigration act approved March 3, 1903.

If you desire to submit evidence to show that the said fine should not be imposed in this instance, you will be allowed fourteen days from the date of this notice for that purpose, and the vessel on which the said alien arrived will be granted clearance papers when she is ready to sail and allowed to proceed upon her outward-bound voyage, upon condition that you deposit with the collector of customs at this port within twenty-four hours after the receipt of this, or, if said vessel shall sail sooner, prior to her sailing, the sum of one hundred dollars as security for the payment of the said fine, should it be imposed.

Name of alien.	Steamship.	Disease.
.....	.....	.....

(Signature) .....
(Title) .....

Received the above notice ....., 190.., at .....M.
[Time.]
.....
(Witness:)
.....

The notification shall be prepared *in triplicate*, the original to be delivered by an employee of the Immigration Service at the office of the master, agent, owner, or consignee to whom it is addressed, said employee to witness the signature of the recipient. Receipt of service shall be indorsed upon the duplicate and triplicate, the duplicate to be returned to the office of the commissioner of immigration or inspector in charge and preserved as proof of delivery, and the triplicate to be delivered to the collector of customs, who will withhold clearance papers until the deposit is made.

3. *Deposit.*—The special deposit of $100 required to stay action for the period of fourteen days shall be made to the collector of customs for the district wherein the port of arrival is located within twenty-four hours after delivery of the above-described notice, or, if said vessel sails sooner, before such sailing, and in default thereof all further proceedings shall be discontinued and the facts certified to the Bureau of Immigration by first mail, together with the medical certificate and duplicate notice, in order that such action may be taken as the evidence requires.

4. *Stay of action.*—If, upon the expiration of twenty-four hours after service of the notice as provided in paragraph 2 of this circular,

the deposit of $100 has been made in conformity with the said notic
the commissioner of immigration or inspector in charge shall suspe
further proceedings until the submission of the evidence offered
show why the said fine should not be imposed, or until the lapse
the specified period of fourteen days thereafter. When the said e
dence has been submitted it shall be forwarded, together with the c
tificate of the examining surgeon, to the Commissioner-General
Immigration, for presentation to the Secretary of Commerce a
Labor, by the said commissioner or inspector in charge, who shall
the same time present his written views as to whether the said fi
should be imposed. If no evidence is submitted prior to the expi
tion of the said fourteen days, then said commissioner or inspector
charge shall report the case without such evidence for action by t
Secretary of Commerce and Labor.

5. *Final proceedings.*—Upon receipt of the decision of the Secreta
of Commerce and Labor a copy thereof shall be forwarded to the c
lector of customs, together with such data as may enable him to identi
the special deposit made in that particular case. If the said decisi
imposes the fine the $100 deposited as security shall be accounted f
by the said collector in the usual manner as a fine; if the decisi
holds that the penalty has not been incurred the collector of custo
shall return to the depositor the amount deposited as security.

V. H. METCALF,
Secretary.

COLLECTION OF HEAD TAX ON ACCOUNT OF ALIENS CROSSING THE MEXICAN BORDER.

BUREAU CIRCULAR, No. 13.

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF IMMIGRATION,
Washington, February 28, 1905.

To officers of the Immigration Service and others concerned:

In conformity with the provisions of the immigration laws the fo
lowing instructions are hereby promulgated in relation to the asses
ment of head tax upon aliens applying for admission to the Unite
States via the Mexican border:

1. Blanks will be provided in the following form, with spaces a
indicated, for statistical data and information as to the manner in whic
the head tax should be assessed, viz:

FORM 548.

Report of inspection—Mexican border.

DEPARTMENT OF COMMERCE AND LABOR,
IMMIGRATION SERVICE.

PORT OF .....,
(*Date*)..... 190 .

Name of passenger, ...; Age,.....; Sex, ...; Married or single, ...
Calling or occupation, ...; Read or write, ...; Nationality, ...
Race, ...; Last residence, ...; Final destination, ...
Ticket to destination, ...; Who paid passage? .....; Money, ...
Going to relative or friend; if so, whom? .....
Ever in U. S.? .....; If so, where and when? .....; Ever in prison, etc.? .....

Polygamist, ...; Anarchist, ...; Contract laborer, ...;
Health, etc., ...
Whether in transit, and if so, how? ....
Admitted on primary inspection, ...
Held for board of special inquiry, ...
Railway, bridge company, or individual responsible for payment of head tax, ...
(*Signature*).....
(*Title*).....

2. These blanks shall be used by every officer of the immigration service making examinations of aliens on the Mexican border, and shall be filled out completely in each case and delivered to the inspector in charge at the port of entry, who will thereupon prepare written notice to the collector of customs, upon blank forms which will be provided, reading as follows:

FORM 589. *Statement of aliens subject to head tax—Mexican border.*

DEPARTMENT OF COMMERCE AND LABOR,
IMMIGRATION SERVICE.
OFFICE OF.....
PORT OF.....,
(*Date*)....., 190 .

COLLECTOR OF CUSTOMS,
Port (or district) of.....

I hereby certify that head tax has been incurred by.....(railway, bridge company, or individual).....on account of alien passenger.. arriving by (*).....on this date as follows:

Aliens subject to head tax, at $2 each, as follows:

..... $.....
....

Amount to be deposited on account of alien.. in transit (Rule 15) and held as special deposit (Treasury decision 24439), as follows:

....
....

Total..... $.....

(*Signature*).....
(*Title*).....

* Give train number or state mode of transportation.

3. In the case of taxable aliens crossing the border by other than regular (bridge or railway) transportation, the same procedure will be followed as above outlined, except that examination shall not proceed beyond the point necessary to determine liability for head tax, until such tax has been paid to the customs officer. The information blank provided in paragraph 1 hereof will necessarily be filled out so far as to determine and report nationality, but further inspection (and admission) will be refused until payment of the head tax.

F. P. SARGENT,
Commissioner-General.

Approved:
V. H. METCALF, *Secretary.*

METHOD OF REPORTING FINES INCURRED UNDER THE IMMIGRATION AND CHINESE EXCLUSION LAWS.

DEPARTMENT CIRCULAR, No. 75.
BUREAU OF IMMIGRATION.

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, May 10, 1905.

To whom it may concern:

The following regulations in regard to penalties incurred for violations of the laws regulating immigration and relating to the exclusion of Chinese are hereby promulgated, and strict compliance therewith is enjoined:

Commissioners of immigration or inspectors in charge will, in all cases wherein a *United States attorney is requested to institute proceedings* for the recovery of prescribed penalties or to undertake criminal prosecution of an alleged offender against the immigration or Chinese exclusion laws, make a report at the same time to the *collector of customs* for the district in which the offense was alleged to have been committed. Said report shall be rendered in every case which may arise, irrespective of the possible outcome of any legal proceedings, and shall embrace the following: (1) Date when offense was committed; (2) act, and section thereof, violated; (3) nature of offense; (4) name of offender; (5) nationality, kind, and name of vessel; (6) statutory amount of fine; (7) date of reporting case to United States attorney.

Upon receipt of the above reports the collector of customs will give each case a number in chronological order. When more than one section of a statute is violated by the same vessel a separate case number will be given to each violation.

At the close of each month collectors of customs will render reports in the same manner as in the case of navigation and steamboat-inspection fines, viz: All fines incurred during the month must be reported on form Cat. No. 1078, showing, under the heading "Remarks," the date when the case was reported to the United States attorney.

All fines disposed of during the month must be reported on form Cat. No. 1032. In connection with this form the account current (form Cat. No. 1030) must be used.

At the close of June and December in each year, semiannual reports, on form Cat. No. 1079, must be rendered, showing all unsettled cases on hand and explaining the cause of delay in disposing of them.

V. H. METCALF,
Secretary.

[Supersedes Treasury Department Circular No. 97, November 1, 1901.]

INSPECTION OF ALIENS LANDED AT PORTS OF THE DOMINION OF CANADA.

DEPARTMENT CIRCULAR, No. 104.
BUREAU OF IMMIGRATION.

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, November 24, 1905.

To officers of the Immigration Service and others concerned:

In view of the agreement between the various steamship and railroad companies in the Dominion of Canada and the Commissioner-General of Immigration of the United States of America, the following rules and regulations governing the inspection and entry of aliens into the United States from foreign countries, through Canadian territory, are prescribed in accordance with section 32 of the act of Congress approved March 3, 1903, entitled "An act to regulate the immigration of aliens into the United States," and the acts amendatory thereof and supplementary thereto:

1. All aliens arriving in Canada, destined to the United States, shall be inspected at one of the following ports: Halifax, Nova Scotia; Quebec and Point Levis, Quebec; St. John, New Brunswick, and Vancouver and Victoria, British Columbia; and the holders of certificates, duly signed by the United States Commissioner of Immigration for Canada, shall be entitled to admittance to the United States at any one of the places of entry to the United States along the border without further examination by the immigration officers as to their right to enter, upon their identification and their surrender of said certificates to such officials. The said certificates shall be in the following form:

FORM NO. 524. *Alien certificate.* No. .....

DEPARTMENT OF COMMERCE AND LABOR,
IMMIGRATION SERVICE,

.....; ...

This is to certify that ....., a native of ....., who arrived at the port of ....., per steamship "....." on the ....., 190 , has been duly inspected and registered, and will be admitted into the United States upon proper identification and surrender of this certificate to any immigration officer at the frontier.

The description of the holder is as follows: Age, ...; height, ...; weight, ...; color of hair, ...; color of eyes, ...

Remarks: [Note destination, etc.].....

.....

.....

.....

U. S. Commissioner of Immigration.

Surrendered at ....., to Inspector ....., ..., 190 .
[Date.]

2. The examination at Canadian ports of aliens destined to the United States shall be similar in all respects to that conducted at ports of the United States. Such aliens as, in the opinion of the examining inspector, are not clearly entitled to admission shall be taken before a board of special inquiry, whose decision shall be final, unless reversed upon appeal, as provided for in section 25 of the act approved March 3, 1903.

3. All aliens arriving at said Canadian ports who are adjudged inadmissible to enter the United States shall be refused the certificates herein called for, and the steamship company bringing such aliens shall be

required to return them to the countries from which they respectively came.

4. The masters, owners, or agents of vessels bringing aliens to Canadian ports, destined to the United States, shall be required to furnish to the United States immigrant inspector in charge at said ports access to complete manifests of all alien passengers arriving upon vessels of their respective lines, and, in addition thereto, complete manifests of all alien passengers destined to the United States, such as are required by law in the cases of vessels bringing aliens to ports of the United States; and said masters, owners, or agents shall pay to the United States Commissioner of Immigration for Canada the sum of two dollars for each and every alien not a citizen of the Dominion of Canada, Newfoundland, the Republic of Cuba, or the Republic of Mexico brought to a Canadian port and destined to the United States.

5. All moneys collected as provided in the foregoing rule shall be transmitted by the United States Commissioner of Immigration for Canada to an Assistant Treasurer of the United States, in the same manner as other miscellaneous collections are reported by collectors of customs of the United States, to be deposited to the credit of the Treasurer of the United States on account of the "Immigrant fund." Statement of such receipts, under this agreement, must be rendered monthly to the Secretary of Commerce and Labor, on forms provided for that purpose.

6. Said United States Commissioner of Immigration for Canada shall give bond to the United States in the sum of ten thousand dollars ($10,000), with sureties approved by the Secretary of Commerce and Labor, conditioned for the faithful discharge of his duties and the remittance of above collections. He shall make monthly reports to the Commissioner-General of Immigration, upon blanks to be furnished by the Department of Commerce and Labor, of all aliens arriving at stations under the jurisdiction of the said Commissioner of Immigration.

7. All aliens not provided with certificates as required, who shall apply at the border between Canada and the United States within one year after arriving at a Canadian port, shall be required to return to such port, or to any port designated under rules 1 and 7 of these regulations, for payment of head tax, examination, and certificate described in rule 1 hereinbefore, provided that aliens destined in good faith to Canada, and who shall have settled at some point in the Dominion of Canada, who shall apply as above for admission to the United States within one year after arrival in Canada, shall be examined by the board of special inquiry located at any one of the following points: Yarmouth, Nova Scotia; Montreal, Canada; Buffalo and Suspension Bridge, New York; Detroit, Port Huron, and Sault Ste. Marie, Michigan; Duluth, Minnesota; Winnipeg, Manitoba; Portal, North Dakota; Northport, Sumas, and Blaine, Washington. The decision of said board of special inquiry shall have the same force and effect as decisions of boards of special inquiry at ocean ports of the United States.

8. All facilities in the way of accommodations, access to aliens, and the keeping of aliens apart from the public until after inspection shall be afforded to the immigrant inspectors of the United States at the ports of landing, to enable them to make such inspection as is required by the laws of the United States.

9. It is expected that the railway and other transportation companies in the Dominion of Canada will not sell to any aliens en route to any part of the United States tickets for their transportation, or transport them in cars or vessels from the port of entry, until after they have exhibited their certificates as herein provided, and will not knowingly transport into the United States any rejected or undesirable aliens or those who are by law prohibited from entering its territory, but will return the rejected aliens to the ports at which they arrived.

10. United States officers charged with the execution of the immigration laws and regulations along the Canadian border will, at the end of each month and from time to time as may be required, report in writing to the United States Commissioner of Immigration for Canada, upon blanks to be prescribed by him, the number of aliens passing through their respective ports of entry and the Canadian ports at which they landed, and the said Commissioner of Immigration for Canada will make to the Commissioner-General of Immigration similar reports in consolidated form, comprising both ocean and border ports.

11. The various steamship lines parties to the Canadian agreement shall return from some port of the United States, at their own expense, such aliens as, having been brought into the Dominion of Canada upon their respective lines, have become public charges in the United States within two years thereafter, from causes existing prior thereto, in like manner as aliens who have become public charges under similar conditions are returned by lines which bring them to United States ports.

12. The immigration regulations adopted by the Department of Commerce and Labor relating to the examination of aliens at ports of the United States shall apply, in so far as may be practicable, to the inspection of aliens coming through the Dominion of Canada destined to the United States.

V. H. METCALF,
Secretary.

IMMIGRATION LAWS.

Sections 3 and 5 of an act supplementary to the acts in relation to immigration, approved March 3, 1875, vol. 18, part 3, United States Statutes at Large, provide:

"SEC. 3. That the importation into the United States of women for the purpose of prostitution is hereby forbidden; and all contracts and agreements in relation thereto, made in advance or in pursuance of such illegal importation and purposes, are hereby declared void; and whoever shall knowingly and willfully import, or cause any importation of, women into the United States for the purposes of prostitution, or shall knowingly or willfully hold, or attempt to hold, any women to such purposes, in pursuance of such illegal importation and contract or agreement, shall be deemed guilty of a felony, and, on conviction thereof, shall be imprisoned not exceeding five years and pay a fine not exceeding five thousand dollars."

"SEC. 5. That it shall be unlawful for aliens of the following classes to immigrate into the United States, namely, persons who are undergoing a sentence for conviction in their own country of felonious crimes other than political or growing out of or the result of such political offenses, or whose sentence has been remitted on condition of their emigration, and women 'imported for the purposes of prostitution.' Every vessel arriving in the United States may be inspected under the direction of the collector of the port at which it arrives, if he shall have reason to believe that any such obnoxious persons are on board; and the officer making such inspection shall certify the result thereof to the master or other person in charge of such vessel, designating in such certificate the person or persons, if any there be, ascertained by him to be of either of the classes whose importation is hereby forbidden. When such inspection is required by the collector as aforesaid, it shall be unlawful, without his permission, for any alien to leave any such vessel arriving in the United States from a foreign country until the inspection shall have been had and the result certified as herein provided; and at no time thereafter shall any alien certified to by the inspecting officer as being of either of the classes whose immigation is forbidden by this section be allowed to land in the United States, except in obedience to a judicial process issued pursuant to law. If any person shall feel aggrieved by the certificate of such inspecting officer stating him or her to be within either of the classes whose immigration is forbidden by this section, and shall apply for release or other remedy to any proper court or judge, then it shall be the duty of the collector at said port of entry to detain said vessel until a hearing and determination of the matter are had, to the end that if the said inspector shall be found to be in accordance with this section, and sustained, the obnoxious person or persons shall be returned on board of said vessel, and shall not thereafter be permitted to land, unless the master, owner, or consignee

of the vessel shall give bond and security, to be approved by the court or judge hearing the cause, in the sum of five hundred dollars for each such person permitted to land, conditioned for the return of such person, within six months from the date thereof, to the country whence his or her emigration shall have taken place, or unless the vessel bringing such obnoxious person or persons shall be forfeited, in which event the proceeds of such forfeiture shall be paid over to the collector of the port of arrival, and applied by him, as far as necessary, to the return of such person or persons to his or her own country within the said period of six months. And for all violations of this act, the vessel, by the acts, omissions, or connivance of the owners, master, or other custodian, or the consignees of which the same are committed, shall be liable to forfeiture, and may be proceeded against as in cases of frauds against the revenue laws, for which forfeiture is prescribed by existing law."

Approved, March 3, 1875.

AN ACT to regulate immigration.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be levied, collected, and paid a duty of fifty cents for each and every passenger not a citizen of the United States who shall come by steam or sail vessel from a foreign port to any port within the United States. The said duty shall be paid to the collector of customs of the port to which such passenger shall come, or if there be no collector at such port, then to the collector of customs nearest thereto, by the master, owner, agent, or consignee of every such vessel, within twenty-four hours after the entry thereof into such port. The money thus collected shall be paid into the United States Treasury and shall constitute a fund to be called the immigrant fund and shall be used, under the direction of the Secretary of the Treasury [Secretary of Commerce and Labor], to defray the expense of regulating immigration under this act and for the care of immigrants arriving in the United States, for the relief of such as are in distress, and for the general purposes and expenses of carrying this act into effect. The duty imposed by this section shall be a lien upon the vessels which shall bring such passengers into the United States, and shall be a debt in favor of the United States against the owner or owners of such vessels, and the payment of such duty may be enforced by any legal or equitable remedy: *Provided*, That no greater sum shall be expended for the purposes hereinbefore mentioned, at any port, than shall have been collected at such port.

SEC. 2. That the Secretary of the Treasury [Secretary of Commerce and Labor] is hereby charged with the duty of executing the provisions of this act and with supervision over the business of immigration to the United States, and for that purpose he shall have power to enter into contracts with such State commission, board, or officers as may be designated for that purpose by the governor of any State to take charge of the local affairs of immigration in the ports within said State, and to provide for the support and relief of such immigrants therein landing as may fall into distress or need public aid, under the rules and regulations to be prescribed by said Secretary; and it shall be the duty of such State commission, board, or officers so designated to examine into the condition of passengers arriving at the ports within

such State in any ship or vessel, and for that purpose all or any of such commissioners, or officers or such other person or persons as they shall appoint, shall be authorized to go on board of and through any such ship or vessel; and if on such examination there shall be found among such passengers any convict, lunatic, idiot, or any person unable to take care of himself or herself without becoming a public charge, they shall report the same in writing to the collector of such port, and such person shall not be permitted to land.

SEC. 3. That the Secretary of the Treasury [Secretary of Commerce and Labor] shall establish such regulations and rules and issue from time to time such instructions, not inconsistent with law, as he shall deem best calculated to protect the United States and immigrants into the United States from fraud and loss and for carrying out the provisions of this act and the immigration laws of the United States; and he shall prescribe all forms of bonds, entries, and other papers to be used under and in the enforcement of the various provisions of this act.

SEC. 4. That all foreign convicts, except those convicted of political offenses, upon arrival, shall be sent back to the nations to which they belong and from whence they came. The Secretary of the Treasury [Secretary of Commerce and Labor] may designate the State board of charities of any State in which such board shall exist by law, or any commission in any State, or any person or persons in any State whose duty it shall be to execute the provisions of this section without compensation. The Secretary of the Treasury [Secretary of Commerce and Labor] shall prescribe regulations for the return of the aforesaid persons to the countries from whence they came and shall furnish instructions to the board, commission, or persons charged with the execution of the provisions of this section as to the mode of procedure in respect thereto, and may change such instructions from time to time. The expense of such return of the aforesaid persons not permitted to land shall be borne by the owners of the vessel in which they came.

SEC. 5. That this act shall take effect immediately.

Approved August 3, 1882.

AN ACT to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes, approved June 26, 1884.

SEC. 22. That until the provisions of section one, chapter three hundred and seventy-six, of the laws of eighteen hundred and eighty-two, shall be made applicable to passengers coming into the United States by land carriage, said provisions shall not apply to passengers coming by vessels employed exclusively in the trade between the ports of the United States and the ports of the Dominion of Canada or the ports of Mexico.

ACT OF FEBRUARY 26, 1885.

ORIGINAL ACT.

AN ACT to prohibit the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after

the passage of this act it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation, or in any way assist or encourage the importation or migration of any alien or aliens, any foreigner or foreigners, into the United States, its Territories, or the District of Columbia, under contract or agreement, parol or special, express or implied, made previous to the importation or migration of such alien or aliens, foreigner or foreigners, to perform labor or service of any kind in the United States, its Territories, or the District of Columbia.

SEC. 2. That all contracts or agreements, express or implied, parol or special, which may hereafter be made by and between any person, company, partnership, or corporation, and any foreigner or foreigners, alien or aliens, to perform labor or service or having reference to the performance of labor or service by any person in the United States, its Territories, or the District of Columbia, previous to the migration or importation of the person or persons whose labor or service is contracted for into the United States, shall be utterly void and of no effect.

SEC. 3. That for every violation of any of the provisions of section one of this act the person, partnership, company, or corporation violating the same, by knowingly assisting, encouraging or soliciting the migration or importation of any alien or aliens, foreigner or foreigners, into the United States, its Territories, or the District of Columbia, to perform labor or service of any kind under contract or agreement, express or implied, parol or special, with such alien or aliens, foreigner or foreigners, previous to becoming residents or citizens of the United States, shall forfeit and pay for every such offense the sum of one thousand dollars, which may be sued for and recovered by the United States or by any person who shall first bring his action therefor, including any such alien or foreigner who may be a party to any such contract or agreement, as debts of like amount are now recovered in the circuit courts of the United States; the proceeds to be paid into the Treasury of the United States; and separate suits may be brought for each alien or foreigner being a party to such contract or agreement aforesaid. And it shall be the duty of the district attorney of the proper district to prosecute every such suit at the expense of the United States.

SEC. 4. That the master of any vessel who shall knowingly bring within the United States on any such vessel, and land, or permit to be landed, from any foreign port or place, any alien laborer, mechanic, or artisan who, previous to embarkation on such vessel, had entered into contract or agreement, parol or special, express or implied, to perform labor or service in the United States, shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be punished by a fine of not more that five hundred dollars for each and every such alien laborer, mechanic, or artisan so brought as aforesaid, and may also be imprisoned for a term not exceeding six months.

SEC. 5. That nothing in this act shall be so construed as to prevent any citizen or subject of any foreign country temporarily residing in the United States, either in private or official capacity, from engaging, under contract or otherwise, persons not residents or citizens of the United States to act as private secretaries, servants, or domestics for such foreigners temporarily residing in the United States as aforesaid; nor shall this act be so construed as to prevent any person, or persons,

partnership, or corporation from engaging, under contract or agreement, skilled workmen in foreign countries to perform labor in the United States in or upon any new industry not at present established in the United States: *Provided*, That skilled labor for that purpose can not be otherwise obtained; nor shall the provisions of this act apply to professional actors, artists, lecturers, or singers, nor to persons employed strictly as personal or domestic servants: *Provided*, That nothing in this act shall be construed as prohibiting any individual from assisting any member of his family or any relative or personal friend, to migrate from any foreign country to the United States, for the purpose of settlement here.

SEC. 6. That all laws or parts of laws conflicting herewith be, and the same are hereby, repealed.

Approved February 26, 1885 (23 Stat L., 332).

AMENDATORY ACT.

AN ACT to prohibit the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States, the Territories, and the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an act to prohibit the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia, approved February twenty-sixth, eighteen hundred and eighty-five, and to provide for the enforcement thereof, be amended by adding the following:

"SEC. 6. That the Secretary of the Treasury [Secretary of Commerce and Labor] is hereby charged with the duty of executing the provisions of this act, and for that purpose he shall have power to enter into contracts with such State commission, board, or officers as may be designated for that purpose by the governor of any State to take charge of the local affairs of immigration in the ports within said State, under the rules and regulations to be prescribed by said Secretary; and it shall be the duty of such State commission, board, or officers so designated to examine into the condition of passengers arriving at the ports within such State in any ship or vessel, and for that purpose all or any of such commissioners or officers or such other person or persons as they shall appoint shall be authorized to go on board of and through any such ship or vessel; and if in such examination there shall be found among such passengers any person included in the prohibition in this act, they shall report the same in writing to the collector of such port, and such person shall not be permitted to land.

"SEC. 7. That the Secretary of the Treasury [Secretary of Commerce and Labor] shall establish such regulations and rules, and issue from time to time such instructions not inconsistent with law, as he shall deem best calculated for carrying out the provisions of this act; and he shall prescribe all forms of bonds, entries, and other papers to be used under and in the enforcement of the various provisions of this act.

"SEC. 8. That all persons included in the prohibition in this act, upon arrival, shall be sent back to the nations to which they belong and from whence they came. The Secretary of the Treasury [Secre-

tary of Commerce and Labor] may designate the State board of charities of any State in which such board shall exist by law, or any commission in any State, or any person or persons in any State, whose duty it shall be to execute the provisions of this section and shall be entitled to reasonable compensation therefor to be fixed by regulation prescribed by the Secretary of the Treasury [Secretary of Commerce and Labor]. The Secretary of the Treasury [Secretary of Commerce and Labor] shall prescribe regulations for the return of the aforesaid persons to the countries from whence they came, and shall furnish instructions to the board, commission, or persons charged with the execution of the provisions of this section as to the time of procedure in respect thereto, and may change such instructions from time to time. The expense of such return of the aforesaid persons not permitted to land shall be borne by the owners of the vessels in which they came. And any vessel refusing to pay such expenses shall not thereafter be permitted to land at or clear from any port of the United States. And such expenses shall be a lien on said vessel. That the necessary expense in the execution of this act for the present fiscal year shall be paid out of any money in the Treasury not otherwise appropriated.

"SEC. 9 That all acts and parts of acts inconsistent with this act are hereby repealed.

"SEC. 10. That this act shall take effect at the expiration of thirty days after its passage."

Approved, February 23, 1887 (24 Stat. L., 414).

AMENDMENT TO THE ALIEN CONTRACT-LABOR LAW CONTAINED IN THE DEFICIENCY BILL APPROVED OCTOBER 19, 1888 (25 STAT. L., 565).

That the act approved February twenty-third, eighteen hundred and eighty-seven, entitled "An act to amend an act to prohibit the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia," be, and the same is hereby, so amended as to authorize the Secretary of the Treasury [Secretary of Commerce and Labor], in case that he shall be satisfied that an immigrant has been allowed to land contrary to the prohibition of that law, to cause such immigrant, within the period of one year after landing or entry, to be taken into custody and returned to the country from whence he came, at the expense of the owner of the importing vessel; or, if he entered from an adjoining country, at the expense of the person previously contracting for the services.

ACT OF MARCH 3, 1891.

AN ACT in amendment to the various acts relative to immigration and the importation of aliens under contract or agreement to perform labor.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following classes of aliens shall be excluded from admission into the United States, in accordance with the existing acts regulating immigration, other than those concerning Chinese laborers: All idiots, insane per-

sons, paupers or persons likely to become a public charge, persons suffering from a loathsome or a dangerous contagious disease, persons who have been convicted of a felony or other infamous crime or misdemeanor involving moral turpitude, polygamists, and also any person whose ticket or passage is paid for with the money of another or who is assisted by others to come, unless it is affirmatively and satisfactorily shown on special inquiry that such person does not belong to one of the foregoing excluded classes, or to the class of contract laborers excluded by the act of February twenty-sixth, eighteen hundred and eighty-five, but this section shall not be held to exclude persons living in the United States from sending for a relative or a friend who is not of the excluded classes under such regulations as the Secretary of the Treasury [Secretary of Commerce and Labor] may prescribe: *Provided*, That nothing in this act shall be construed to apply to or exclude persons convicted of a political offense, notwithstanding said political offense may be designated as a "felony, crime, infamous crime, or misdemeanor, involving moral turpitude" by the laws of the land whence he came or by the court convicting.

SEC. 2. That no suit or proceeding for violations of said act of February twenty-sixth, eighteen hundred and eighty-five, prohibiting the importation and migration of foreigners under contract or agreement to perform labor shall be settled, compromised, or discontinued without the consent of the court entered of record with reasons therefor.

SEC. 3. That it shall be deemed a violation of said act of February twenty-sixth, eighteen hundred and eighty-five, to assist or encourage the importation or migration of any alien by promise of employment through advertisements printed and published in any foreign country; and any alien coming to this country in consequence of such an advertisement shall be treated as coming under a contract as contemplated by such act; and the penalties by said act imposed shall be applicable in such a case: *Provided*, This section shall not apply to States and immigration bureaus of States advertising the inducements they offer for immigration to such States.

SEC. 4. That no steamship or transportation company or owners of vessels shall directly or through agents, either by writing, printing, or oral representations, solicit, invite, or encourage the immigration of any alien into the United States except by ordinary commercial letters, circulars, advertisements, or oral representations, stating the sailings of their vessels and the terms and facilities of transportation therein; and for a violation of this provision any such steamship or transportation company, and any such owners of vessels, and the agents by them employed, shall be subjected to the penalties imposed by the third section of said act of February twenty-sixth, eighteen hundred and eighty-five, for violations of the provisions of the first section of said act.

SEC. 5. That section five of said act of February twenty-sixth, eighteen hundred and eighty-five, shall be, and hereby is, amended by adding to the second proviso in said section the words "nor to ministers of any religious denomination, nor persons belonging to any recognized profession, nor professors for colleges and seminaries," and by excluding from the second proviso of said section the words "or any relative or personal friend."

SEC. 6. That any person who shall bring into or land in the United States by vessel or otherwise, or who shall aid to bring into or land in the United States by vessel or otherwise, any alien not lawfully entitled to enter the United States shall be deemed guilty of a misdemeanor, and

shall, on conviction, be punished by a fine not exceeding one thousand dollars, or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment.

SEC. 7. That the office of superintendent of immigration is hereby created and established, and the President, by and with the advice and consent of the Senate, is authorized and directed to appoint such officer, whose salary shall be four thousand dollars per annum, payable monthly. The superintendent of immigration shall be an officer in the Treasury Department, under the control and supervision of the Secretary of the Treasury [Secretary of Commerce and Labor], to whom he shall make annual reports in writing of the transactions of his office, together with such special reports, in writing, as the Secretary of the Treasury [Secretary of Commerce and Labor] shall require. The Secretary shall provide the superintendent with a suitably furnished office in the city of Washington, and with such books of record and facilities for the discharge of the duties of his office as may be necessary. He shall have a chief clerk at a salary of two thousand dollars per annum, and two first-class clerks.

SEC. 8. That upon the arrival by water at any place within the United States of any alien immigrants it shall be the duty of the commanding officer and the agents of the steam or sailing vessel by which they came to report the name, nationality, last residence, and destination of every such alien, before any of them are landed, to the proper inspection officers, who shall thereupon go or send competent assistants on board such vessel and there inspect all such aliens, or the inspection officers may order a temporary removal of such aliens for examination at a designated time and place, and then and there detain them until a thorough inspection is made. But such a removal shall not be considered a landing during the pendency of such examination. The medical examination shall be made by surgeons of the Marine-Hospital Service. In cases where the services of a marine-hospital surgeon can not be obtained without causing unreasonable delay, the inspector may cause an alien to be examined by a civil surgeon and the Secretary of the Treasury [Secretary of Commerce and Labor] shall fix the compensation for such examination. The inspection officers and their assistants shall have power to administer oaths, and to take and consider testimony touching the right of such aliens to enter the United States, all of which shall be entered of record. During such inspection after temporary removal the superintendent shall cause such aliens to be properly housed, fed, and cared for, and also, in his discretion, such as are delayed in proceeding to their destination after inspection. All decisions made by the inspection officers or their assistants touching the right of any alien to land, when adverse to such right, shall be final unless appeal be taken to the superintendent of immigration, whose action shall be subject to review by the Secretary of the Treasury [Secretary of Commerce and Labor]. It shall be the duty of the aforesaid officers and agents of such vessel to adopt due precautions to prevent the landing of any alien immigrant at any place or time other than that designated by the inspection officers, and any such officer or agent or person in charge of such vessel who shall either knowingly or negligently land or permit to land any alien immigrant at any place or time other than that designated by the inspection officers, shall be deemed guilty of a misdemeanor and punished by a fine not exceeding one thousand dollars, or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment.

That the Secretary of the Treasury [Secretary of Commerce and Labor] may prescribe rules for inspection along the borders of Canada, British Columbia, and Mexico, so as not to obstruct or unnecessarily delay, impede, or annoy passengers in ordinary travel between said countries: *Provided*, That not exceeding one inspector shall be appointed for each customs district, and whose salary shall not exceed twelve hundred dollars per year.

All duties imposed and powers conferred by the second section of the act of August third, eighteen hundred and eighty-two, upon State commissions, boards, or officers acting under contract with the Secretary of the Treasury [Secretary of Commerce and Labor] shall be performed and exercised, as occasion may arise, by the inspection officers of the United States.

SEC. 9. That for the preservation of the peace and in order that arrests may be made for crimes under the laws of the States where the various United States immigrant stations are located, the officials in charge of such stations as occasion may require shall admit therein the proper State and municipal officers charged with the enforcement of such laws, and for the purposes of this section the jurisdiction of such officers and of the local courts shall extend over such stations.

SEC. 10. That all aliens who may unlawfully come into the United States shall, if practicable, be immediately sent back on the vessel by which they were brought in. The cost of their maintenance while on land, as well as the expense of the return of such aliens, shall be borne by the owner or owners of the vessel on which such aliens came; and if any master, agent, consignee, or owner of such vessel shall refuse to receive back on board the vessel such aliens, or shall neglect to detain them thereon, or shall refuse or neglect to return them to the port from which they came, or to pay the cost of their maintenance while on land, such master, agent, consignee, or owner shall be deemed guilty of a misdemeanor, and shall be punished by a fine not less than three hundred dollars for each and every offense; and any such vessel shall not have clearance from any port of the United States while any such fine is unpaid.

SEC. 11. That any alien who shall come into the United States in violation of law may be returned as by law provided, at any time within one year thereafter, at the expense of the person or persons, vessel, transportation company, or corporation bringing such alien into the United States, and if that can not be done, then at the expense of the United States, and any alien who becomes a public charge within one year after his arrival in the United States from causes existing prior to his landing therein shall be deemed to have come in violation of law and shall be returned as aforesaid.

SEC. 12. That nothing contained in this act shall be construed to affect any prosecution or other proceeding, criminal or civil, begun under any existing act or any acts hereby amended, but such prosecution or other proceedings, criminal or civil, shall proceed as if this act had not been passed.

SEC. 13. That the circuit and district courts of the United States are hereby invested with full and concurrent jurisdiction of all causes, civil and criminal, arising under any of the provisions of this act, and this act shall go into effect on the first day of April, eighteen hundred and ninety-one.

Approved March 3, 1891.

AN ACT granting additional quarantine powers and imposing additional duties upon the Marine-Hospital Service.

* * * * * * *

SEC. 7. That whenever it shall be shown to the satisfaction of the President that by reason of the existence of cholera, or other infectious or contagious diseases, in a foreign country there is serious danger of the introduction of the same into the United States, and that notwithstanding the quarantine defense this danger is so increased by the introduction of persons or property from such country that a suspension of the right to introduce the same is demanded, in the interest of the public health, the President shall have power to prohibit, in whole or in part, the introduction of persons and property from such countries or places as he shall designate and for such period of time as he may deem necessary.

* * * * * * *

Act approved February 15, 1893 (27 Stat. L., p. 449).

ACT OF MARCH 3, 1893.

AN ACT to facilitate the enforcement of the immigration and contract-labor laws of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in addition to conforming to all present requirements of law, upon the arrival of any alien immigrants by water at any port within the United States, it shall be the duty of the master or commanding officer of the steamer or sailing vessel having said immigrants on board to deliver to the proper inspector of immigration at the port lists or manifests made at the time and place of embarkation of such alien immigrants on board such steamer or vessel, which shall, in answer to questions at the top of said lists, state as to each immigrant the full name, age, and sex, whether married or single; the calling or occupation; whether able to read or write; the nationality; the last residence; the seaport for landing in the United States; the final destination, if any, beyond the seaport of landing; whether having a ticket through to such final destination; whether the immigrant has paid his own passage, or whether it has been paid by other persons or by any corporation, society, municipality, or government; whether in possession of money, and if so, whether upward of thirty dollars and how much if thirty dollars or less; whether going to join a relative, and if so, what relative and his name and address; whether ever before in the United States, and if so, when and where; whether ever in prison or almshouse or supported by charity; whether a polygamist; whether under contract, express or implied, to perform labor in the United States; and what is the immigrant's condition of health mentally and physically, and whether deformed or crippled, and if so, from what cause.

SEC. 2. That the immigrants shall be listed in convenient groups

and no one list or manifest shall contain more than thirty names. To each immigrant or head of a family shall be given a ticket on which shall be written his name, a number or letter designating the list, and his number on the list, for convenience of identification on arrival. Each list or manifest shall be verified by the signature and the oath or affirmation of the master or commanding officer or of the officer first or second below him in command, taken before the United States consul or consular agent at the port of departure, before the sailing of said vessel, to the effect that he has made a personal examination of each and all of the passengers named therein, and that he has caused the surgeon of said vessel sailing therewith to make a physical examination of each of said passengers, and that from his personal inspection and the report of said surgeon he believes that no one of said passengers is an idiot or insane person, or a pauper or likely to become a public charge, or suffering from a loathsome or dangerous contagious disease, or a person who has been convicted of a felony or other infamous crime or misdemeanor involving moral turpitude, or a polygamist, or under a contract or agreement, express or implied, to perform labor in the United States, and that also, according to the best of his knowledge and belief, the information in said list or manifest concerning each of said passengers named therein is correct and true.

SEC. 3. That the surgeon of said vessel sailing therewith shall also sign each of said lists or manifests before the departure of said vessel, and make oath or affirmation in like manner before said consul or consular agent, stating his professional experience and qualifications as a physician and surgeon, and that he has made a personal examination of each of the passengers named therein and that said list or manifest, according to the best of his knowledge and belief, is full, correct, and true in all particulars relative to the mental and physical condition of said passengers. If no surgeon sails with any vessel bringing alien immigrants, the mental and physical examinations and the verifications of the lists or manifests may be made by some competent surgeon employed by the owners of the vessel.

SEC. 4. That in the case of the failure of said master or commanding officer of said vessel to deliver to the said inspector of immigration lists or manifests, verified as aforesaid, containing the information above required as to all alien immigrants on board, there shall be paid to the collector of customs at the port of arrival the sum of ten dollars for each immigrant qualified to enter the United States concerning whom the above information is not contained in any list as aforesaid, or said immigrants shall not be permitted so to enter the United States, but shall be returned like other excluded persons.

SEC. 5. That it shall be the duty of every inspector of arriving alien immigrants to detain for a special inquiry, under section one of the immigration act of March third, eighteen hundred and ninety-one, every person who may not appear to him to be clearly and beyond doubt entitled to admission, and all special inquiries shall be conducted by not less than four officials acting as inspectors, to be designated in writing by the Secretary of the Treasury [Secretary of Commerce and Labor], or the superintendent of immigration, for conducting special inquiries; and no immigrant shall be admitted on special inquiry except after a favorable decision made by at least three of said inspect-

ors; and any decision to admit shall be subject to appeal by any dissenting inspector to the superintendent of immigration, whose action shall be subject to review by the Secretary of the Treasury [Secretary of Commerce and Labor], as provided in section eight of said immigration act of March third, eighteen hundred and ninety-one.

SEC. 6. That section five of the act of March third, eighteen hundred and ninety-one, "in amendment of the various acts relative to immigration and the importation of aliens under contract or agreement to perform labor," is hereby amended by striking out the words "second proviso" where they first occur in said section and inserting the words "first proviso" in their place; and section eight of said act is hereby so amended that the medical examinations of arriving immigrants to be made by surgeons of the Marine-Hospital Service may be made by any regular medical officers of such Marine-Hospital Service detailed therefor by the Secretary of the Treasury; and civil surgeons shall only be employed temporarily from time to time for specific emergencies.

SEC. 7. That no bond or guaranty, written or oral, that an alien immigrant shall not become a public charge shall be received from any person, company, corporation, charitable or benevolent society or association, unless authority to receive the same shall in each special case be given by the superintendent of immigration, with the written approval of the Secretary of the Treasury [Secretary of Commerce and Labor].

SEC. 8. That all steamship or transportation companies, and other owners of vessels, regularly engaged in transporting alien immigrants to the United States, shall twice a year file a certificate with the Secretary of the Treasury [Secretary of Commerce and Labor] that they have furnished to be kept conspicuously exposed to view in the office of each of their agents in foreign countries authorized to sell emigrant tickets, a copy of the law of March third, eighteen hundred and ninety-one, and of all subsequent laws of this country relative to immigration, printed in large letters, in the language of the country where the copy of the law is to be exposed to view, and that they have instructed their agents to call the attention thereto of persons contemplating emigration before selling tickets to them; and in case of the failure for sixty days of any such company or any such owners to file such a certificate, or in case they file a false certificate, they shall pay a fine of not exceeding five hundred dollars, to be recovered in the proper United States court, and said fine shall also be a lien upon any vessel of said company or owners found within the United States.

SEC. 9. That after the first day of January, eighteen hundred and ninety-three, all exclusive privileges of exchanging money, transporting passengers or baggage, or keeping eating houses, and all other like privileges in connection with the Ellis Island immigrant station, shall be disposed of after public competition, subject to such conditions and limitations as the Secretary of the Treasury [Secretary of Commerce and Labor] may prescribe.

SEC. 10. That this act shall not apply to Chinese persons; and shall take effect as to vessels departing from foreign ports for ports within the United States after sixty days from the passage of this act.

Approved, March 3, 1893.

AN ACT making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-five, and for other purposes.

Be it enacted, etc.,

* * * * * * *

In every case where an alien is excluded from admission into the United States under any law or treaty now existing or hereafter made, the decision of the appropriate immigration or customs officers, if adverse to the admission of such alien, shall be final, unless reversed on appeal to the Secretary of the Treasury [Secretary of Commerce and Labor].

* * * * * * *

"The head money from alien passengers on and after the first day of October next, collected under the act of August third, eighteen hundred and eighty-two, to regulate immigration, shall be one dollar in lieu of the fifty cents as provided in said act. That such head money and all other receipts which shall be collected on and after July first, eighteen hundred and ninety-five, in connection with immigration shall be covered into the Treasury. * * *

"The commissioners of immigration at the several ports shall be appointed by the President, by and with the advice and consent of the Senate, to hold their offices for the term of four years, unless sooner removed, and until their successors are appointed; and nominations for such offices shall be made to the Senate by the President as soon as practicable after the passage of this act."

Approved, August 18, 1894.

AN ACT making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes, approved March 2, 1895, under the head "Bureau of Immigration," provides:

That the Superintendent of Immigration shall hereafter be designated as Commissioner-General of Immigration, and, in addition to his other duties, shall have charge, under the Secretary of the Treasury [Secretary of Commerce and Labor], of the administration of the alien contract-labor laws, etc.

ACT OF JUNE 6, 1900.

AN ACT making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and one, and for other purposes.

Be it enacted, etc.,

* * * * * * *

* * * and hereafter the Commissioner-General of Immigration, in addition to his other duties, shall have charge of the administration of the Chinese-exclusion law and of the various acts regulating immigration into the United States, its Territories, and the District of Columbia, under the supervision and direction of the Secretary of the Treasury [Secretary of Commerce and Labor].

Approved, June 6, 1900.

ACT OF APRIL 29, 1902.

AN ACT to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent.

Be it enacted, etc.,

* * * * * * *

SEC. 3. That nothing in the provisions of this Act or any other Act shall be construed to prevent, hinder, or restrict any foreign exhibitor, representative, or citizen of any foreign nation, or the holder, who is a citizen of any foreign nation, of any concession or privilege from any fair or exposition authorized by Act of Congress from bringing into the United States, under contract, such mechanics, artisans, agents, or other employees, natives of their respective foreign countries, as they or any of them may deem necessary for the purpose of making preparation for installing or conducting their exhibits or of preparing for installing or conducting any business authorized or permitted under or by virtue of or pertaining to any concession or privilege which may have been or may be granted by any said fair or exposition in connection with such exposition, under such rules and regulations as the Secretary of the Treasury [Secretary of Commerce and Labor] may prescribe, both as to the admission and return of such person or persons.

* * * * * * *

Approved, April 29, 1902 (32 Stat., part 1, p. 176).

ACT OF MARCH 3, 1903.

AN ACT to regulate the immigration of aliens into the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be levied, collected, and paid a duty of two dollars for each and every passenger not a citizen of the United States, or of the Dominion of Canada,[a] the Republic of Cuba, or of the Republic of Mexico, who shall come by steam, sail, or other vessel from any foreign port to any port within the United States, or by any railway or any other mode of transportation, from foreign contiguous territory to the United States. The said duty shall be paid to the collector of customs of the port or customs district to which said alien passenger shall come, or, if there be no collector at such port or district, then to the collector nearest thereto, by the master, agent, owner, or consignee of every such vessel or transportation line. The money thus collected shall be paid into the United States Treasury and shall constitute a permanent appropriation to be called the "immigrant fund," to be used under the direction of the Secretary of the Treasury [Secretary of Commerce and Labor] to defray the expense of regulating the immigration of aliens into the United States under this Act, including the cost of reports of decisions of the Federal courts, and digests thereof, for the use of the Commissioner-General of Immigration, and the salaries and expenses of all officers, clerks, and employees appointed for the purpose of enforcing the provisions of this Act. The duty imposed by this section shall be a lien upon the vessel which shall bring such aliens to ports of the United States, and shall be a debt in favor of the United States against the owner or owners of such vessels, and the payment of such duty may be enforced

[a] See Act approved March 22, 1904.

by any legal or equitable remedy; the head tax herein provided for shall not be levied upon aliens in transit through the United States nor upon aliens who have once been admitted into the United States and have paid the head tax who later shall go in transit from one part of the United States to another through foreign contiguous territory: *Provided*, That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of the Treasury [Secretary of Commerce and Labor], by agreement with transportation lines, as provided in section thirty-two of this Act, may arrange in some other manner for the payment of the duty imposed by this section upon aliens seeking admission overland, either as to all or as to any such aliens.

SEC. 2. That the following classes of aliens shall be excluded from admission into the United States: All idiots, insane persons, epileptics, and persons who have been insane within five years previous; persons who have had two or more attacks of insanity at any time previously; paupers; persons likely to become a public charge; professional beggars; persons afflicted with a loathsome or with a dangerous contagious disease; persons who have been convicted of a felony or other crime or misdemeanor involving moral turpitude; polygamists, anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States or of all government or of all forms of law, or the assassination of public officials; prostitutes, and persons who procure or attempt to bring in prostitutes or women for the purpose of prostitution; those who have been, within one year from the date of the application for admission to the United States, deported as being under offers, solicitations, promises or agreements to perform labor or service of some kind therein; and also any person whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does not belong to one of the foregoing excluded classes; but this section shall not be held to prevent persons living in the United States from sending for a relative or friend who is not of the foregoing excluded classes: *Provided*, That nothing in this Act shall exclude persons convicted of an offense purely political, not involving moral turpitude: *And provided further*, That skilled labor may be imported, if labor of like kind unemployed can not be found in this country: *And provided further*, That the provisions of this law applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession, or persons employed strictly as personal or domestic servants.

SEC. 3. That the importation into the United States of any woman or girl for the purposes of prostitution is hereby forbidden; and whoever shall import or attempt to import any woman or girl into the United States for the purposes of prostitution, or shall hold or attempt to hold, any woman or girl for such purposes in pursuance of such illegal importation shall be deemed guilty of a felony, and, on conviction thereof, shall be imprisoned not less than one nor more than five years and pay a fine not exceeding five thousand dollars.

SEC. 4. That it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation or in any way to assist or encourage the importation or

migration of any alien into the United States, in pursuance of any offer, solicitation, promise, or agreement, parole or special, expressed or implied, made previous to the importation of such alien to perform labor or service of any kind, skilled or unskilled, in the United States.

SEC. 5. That for every violation of any of the provisions of section four of this Act the person, partnership, company, or corporation violating the same, by knowingly assisting, encouraging, or soliciting the migration or importation of any alien to the United States to perform labor or service of any kind by reason of any offer, solicitation, promise, or agreement, express or implied, parole or special, to or with such alien shall forfeit and pay for every such offense the sum of one thousand dollars, which may be sued for and recovered by the United States, or by any person who shall first bring his action therefor in his own name and for his own benefit, including any such alien thus promised labor or service of any kind as aforesaid, as debts of like amount are now recovered in the courts of the United States; and separate suits may be brought for each alien thus promised labor or service of any kind as aforesaid. And it shall be the duty of the district attorney of the proper district to prosecute every such suit when brought by the United States.

SEC. 6. That it shall be unlawful and be deemed a violation of section four of this Act to assist or encourage the importation or migration of any alien by a promise of employment through advertisements printed and published in any foreign country; and any alien coming to this country in consequence of such an advertisement shall be treated as coming under a promise or agreement as contemplated in section two of this Act, and the penalties imposed by section five of this Act shall be applicable to such a case: *Provided*, That this section shall not apply to States or Territories, the District of Columbia, or places subject to the jurisdiction of the United States advertising the inducements they offer for immigration thereto, respectively.

SEC. 7. That no transportation company or owner or owners of vessels or others engaged in transporting aliens into the United States, shall, directly or through agents, either by writing, printing, or oral representations, solicit, invite, or encourage the immigration of any aliens into the United States except by ordinary commercial letters, circulars, advertisements, or oral representations, stating the sailings of their vessels and terms and facilities of transportation therein; and for a violation of this provision any such transportation company and any such owner or owners of vessels, and all others engaged in transporting aliens to the United States, and the agents by them employed, shall be subjected to the penalties imposed by section five of this Act.

SEC. 8. That any person, including the master, agent, owner, or consignee of any vessel, who shall bring into or land in the United States, by vessel or otherwise, or who shall attempt, by himself or through another, to bring into or land in the United States, by vessel or otherwise, any alien not duly admitted by an immigrant inspector, or not lawfully entitled to enter the United States, shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine not exceeding one thousand dollars for each and every alien so landed or attempted to be landed, or by imprisonment for a term not less than three months nor more than two years, or by both such fine and imprisonment.

SEC. 9. That it shall be unlawful for any person, including any trans-

portation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel to bring to the United States any alien afflicted with a loathsome or with a dangerous contagious disease; and if it shall appear to the satisfaction of the Secretary of the Treasury [Secretary of Commerce and Labor] that any alien so brought to the United States was afflicted with such a disease at the time of foreign embarkation, and that the existence of such disease might have been detected by means of a competent medical examination at such time, such person or transportation company or the master, agent, owner, or consignee of any such vessel shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of one hundred dollars for each and every violation of the provisions of this section; and no vessel shall be granted clearance papers while any such fine imposed upon it remains unpaid, nor shall such fine be remitted.

SEC. 10. That the decision of the board of special inquiry, hereinafter provided for, based upon the certificate of the examining medical officer, shall be final as to the rejection of aliens afflicted with a loathsome or with a dangerous contagious disease, or with any mental or physical disability which would bring such aliens within any of the classes excluded from admission to the United States under section two of this Act.

SEC. 11. That upon the certificate of a medical officer of the United States Marine-Hospital Service to the effect that a rejected alien is helpless from sickness, physical disability, or infancy, if such alien is accompanied by another alien whose protection or guardianship is required by such rejected alien, the master, agent, owner, or consignee of the vessel in which such alien and accompanying alien are brought shall be required to return said alien and accompanying alien in the same manner as vessels are required to return other rejected aliens.

SEC. 12. That upon the arrival of any alien by water at any port within the United States it shall be the duty of the master or commanding officer of the steamer, sailing or other vessel, having said alien on board to deliver to the immigration officers at the port of arrival lists or manifests made at the time and place of embarkation of such alien on board such steamer or vessel, which shall, in answer to questions at the top of said lists, state as to each alien the full name, age, and sex; whether married or single; the calling or occupation; whether able to read or write; the nationality; the race; the last residence; the seaport for landing in the United States; the final destination, if any, beyond the port of landing; whether having a ticket through to such final destination; whether the alien has paid his own passage, or whether it has been paid by any other person or by any corporation, society, municipality, or government, and if so, by whom; whether in possession of fifty dollars, and if less, how much; whether going to join a relative or friend, and if so, what relative or friend and his name and complete address; whether ever before in the United States, and if so, when and where; whether ever in prison or almshouse or an institution or hospital for the care and treatment of the insane or supported by charity; whether a polygamist; whether an anarchist; whether coming by reason of any offer, solicitation, promise or agreement, expressed or implied, to perform labor in the United States, and what is the alien's condition of health mental and physical, and whether deformed or cripp'ed, and if so, for how long and from what cause.

SEC. 13. That all aliens arriving by water at the ports of the United States shall be listed in convenient groups, and no one list or manifest shall contain more than thirty names. To each alien or head of a family shall be given a ticket on which shall be written his name, a number or letter designating the list in which his name, and so forth, is contained, and his number on said list, for convenience of identification on arrival. Each list or manifest shall be verified by the signature and the oath or affirmation of the master or commanding officer or the first or second below him in command, taken before an immigration officer at the port of arrival, to the effect that he has caused the surgeon of said vessel sailing therewith to make a physical and oral examination of each of said aliens, and that from the report of said surgeon and from his own investigation he believes that no one of said aliens is an idiot, or insane person, or a pauper, or is likely to become a public charge, or is suffering from a loathsome or a dangerous contagious disease, or is a person who has been convicted of a felony or other crime or misdemeanor involving moral turpitude, or a polygamist, or an anarchist, or under promise or agreement, express or implied, to perform labor in the United States, or a prostitute, and that also, according to the best of his knowledge and belief, the information in said lists or manifests concerning each of said aliens named therein is correct and true in every respect.

SEC. 14. That the surgeon of said vessel sailing therewith shall also sign each of said lists or manifests and make oath or affirmation in like manner before an immigration officer at the port of arrival, stating his professional experience and qualifications as a physician and surgeon, and that he has made a personal examination of each of the said aliens named therein, and that the said list or manifest, according to the best of his knowledge and belief, is full, correct, and true in all particulars relative to the mental and physical condition of said aliens. If no surgeon sails with any vessel bringing aliens the mental and physical examinations and the verifications of the lists or manifests shall be made by some competent surgeon employed by the owners of the said vessel.

SEC. 15. That in the case of the failure of the master or commanding officer of any vessel to deliver to the said immigration officers lists or manifests of all aliens on board thereof as required in sections twelve, thirteen, and fourteen of this Act, he shall pay to the collector of customs at the port of arrival the sum of ten dollars for each alien concerning whom the above information is not contained in any list as aforesaid.

SEC. 16. That upon the receipt by the immigration officers at any port of arrival of the lists or manifests of aliens provided for in sections twelve, thirteen, and fourteen of this Act it shall be the duty of said officers to go or send competent assistants to the vessels to which said lists or manifests refer and there inspect all such aliens, or said immigration officers may order a temporary removal of such aliens for examination at a designated time and place, but such temporary removal shall not be considered a landing, nor shall it relieve the transportation lines, masters, agents, owners, or consignees of the vessel upon which such aliens are brought to any port of the United States from any of the obligations which, in case such aliens remain on board, would, under the provisions of this Act, bind the said transportation lines, masters, agents, owners, or consignees: *Provided*, That where

a suitable building is used for the detention and examination of aliens the immigration officials shall there take charge of such aliens, and the transportation companies, masters, agents, owners, and consignees of the vessels bringing such aliens shall be relieved of the responsibility for their detention thereafter until the return of such aliens to their care.

SEC. 17. That the physical and mental examination of all arriving aliens shall be made by medical officers of the United States Marine-Hospital Service, who shall have had at least two years' experience in the practice of their profession since receiving the degree of doctor of medicine and who shall certify for the information of the immigration officers and the boards of special inquiry hereinafter provided for, any and all physical and mental defects or diseases observed by said medical officers in any such alien, or, should medical officers of the United States Marine-Hospital Service be not available, civil surgeons of not less than four years' professional experience may be employed in such emergencies for the said service, upon such terms as may be prescribed by the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of the Treasury [Secretary of Commerce and Labor]. The United States Public Health and Marine-Hospital Service shall be reimbursed by the Immigration Service for all expenditures incurred in carrying out the medical inspection of aliens under regulations of the Secretary of the Treasury [Secretary of Commerce and Labor].

SEC. 18. That it shall be the duty of the owners, officers and agents of any vessel bringing an alien to the United States to adopt due precautions to prevent the landing of any such alien from such vessel at any time or place other than that designated by the immigration officers, and any such owner, officer, agent, or person in charge of such vessel who shall land or permit to land any alien at any time or place other than that designated by the immigration officers, shall be deemed guilty of a misdemeanor, and shall on conviction be punished by a fine for each alien so permitted to land of not less than one hundred nor more than one thousand dollars, or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment, and every such alien so landed shall be deemed to be unlawfully in the United States and shall be deported, as provided by law.

SEC. 19. That all aliens brought into this country in violation of law shall, if practicable, be immediately sent back to the countries whence they respectively came on the vessels bringing them. The cost of their maintenance while on land, as well as the expense of the return of such aliens, shall be borne by the owner or owners of the vessels on which they respectively came; and if any master, person in charge, agent, owner, or consignee of any such vessels shall refuse to receive back on board thereof, or of any other vessel owned by the same interest, such aliens, or shall neglect to detain them thereon, or shall refuse or neglect to return them to the foreign port from which they came, or to pay the cost of their maintenance while on land, such master, person in charge, agent, owner, or consignee shall be deemed guilty of a misdemeanor and shall, on conviction, be punished by a fine not less than three hundred dollars for each and every such offense; and no vessel shall have clearance from any port of the United States while any such fine is unpaid: *Provided*, That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of the Treasury [Secretary of Commerce and Labor], may suspend, upon conditions to be prescribed by the Commissioner-

General, the deportation of any alien found to have come under promise or agreement of labor or service of any kind if, in his judgment, the testimony of such alien is necessary on behalf of the United States Government in the prosecution of offenders against the provisions of sections four and five of this Act: *Provided*, That the cost of maintenance of any person so detained resulting from such suspension of deportation shall be paid from the "immigrant fund," but no alien certified, as provided in section seventeen of this Act, to be suffering with a loathsome or with a dangerous contagious disease other than one of a quarantinable nature, shall be permitted to land for medical treatment thereof in the hospitals of the United States.

SEC. 20. That any alien who shall come into the United States in violation of law, or who shall be found a public charge therein, from causes existing prior to landing, shall be deported as hereinafter provided to the country whence he came at any time within two years after arrival at the expense, including one-half of the cost of inland transportation to the port of deportation, of the person bringing such alien into the United States, or, if that can not be done, then at the expense of the immigrant fund referred to in section one of this Act.

SEC. 21. That in case the Secretary of the Treasury [Secretary of Commerce and Labor] shall be satisfied that an alien has been found in the United States in violation of this Act he shall cause such alien, within the period of three years after landing or entry therein, to be taken into custody and returned to the country whence he came, as provided in section twenty of this Act, or, if that can not be so done, at the expense of the immigrant fund provided for in section one of this Act; and neglect or refusal on the part of the masters, agents, owners, or consignees of vessels to comply with the order of the Secretary of the Treasury [Secretary of Commerce and Labor] to take on board, guard safely, and return to the country whence he came any alien ordered to be deported under the provisions of this section shall be punished by the imposition of the penalties prescribed in section nineteen of this Act.

SEC. 22. That the Commissioner-General of Immigration, in addition to such other duties as may by law be assigned to him, shall, under the direction of the Secretary of the Treasury [Secretary of Commerce and Labor] have charge of the administration of all laws relating to the immigration of aliens into the United States, and shall have the control, direction, and supervision of all officers, clerks, and employees appointed thereunder. He shall establish such rules and regulations, prescribe such forms of bonds, reports, entries, and other papers, and shall issue from time to time such instructions, not inconsistent with law, as he shall deem best calculated for carrying out the provisions of this Act and for protecting the United States and aliens migrating thereto from fraud and loss, and shall have authority to enter into contracts for the support and relief of such aliens as may fall into distress or need public aid; all under the direction or with the approval of the Secretary of the Treasury [Secretary of Commerce and Labor]. And it shall be the duty of the Commissioner-General of Immigration to detail officers of the immigration service from time to time as may be necessary, in his judgment, to secure information as to the number of aliens detained in the penal, reformatory, and charitable institutions (public and private) of the several States and Territories, the District of Columbia, and other territory of the United

States, and to inform the officers of such institutions of the provisions of law in relation to the deportation of aliens who have become public charges: *Provided*, That the Commissioner-General of Immigration may, with the approval of the Secretary of the Treasury [Secretary of Commerce and Labor], whenever in his judgment such action may be necessary to accomplish the purposes of this Act, detail immigration officers for temporary service in foreign countries.

SEC. 23. That the duties of the commissioners of immigration shall be of an administrative character, to be prescribed in detail by regulations prepared, under the direction or with the approval of the Secretary of the Treasury [Secretary of Commerce and Labor].

SEC. 24. That immigrant inspectors and other immigration officers, clerks, and employees shall hereafter be appointed, and their compensation fixed and raised or decreased from time to time, by the Secretary of the Treasury [Secretary of Commerce and Labor], upon the recommendation of the Commissioner-General of Immigration and in accordance with the provisions of the civil-service Act of January sixteenth, eighteen hundred and eighty-three: *Provided*, That nothing herein contained shall be construed to alter the mode of appointing commissioners of immigration at the several ports of the United States as provided by the sundry civil appropriation Act approved August eighteenth, eighteen hundred and ninety-four, or the official status of such commissioners heretofore appointed. Immigration officers shall have power to administer oaths and to take and consider testimony touching the right of any alien to enter the United States, and, where such action may be necessary, to make a written record of such testimony, and any person to whom such an oath has been administered under the provisions of this Act who shall knowingly or willfully give false testimony or swear to any false statement in any way affecting or in relation to the right of an alien to admission to the United States shall be deemed guilty of perjury and be punished as provided by section fifty-three hundred and ninety-two, United States Revised Statutes. The decision of any such officer, if favorable to the admission of any alien, shall be subject to challenge by any other immigration officer, and such challenge shall operate to take the alien whose right to land is so challenged before a board of special inquiry for its investigation. Every alien who may not appear to the examining immigrant inspector at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for examination in relation thereto by a board of special inquiry.

SEC. 25. That such boards of special inquiry shall be appointed by the commissioners of immigration at the various ports of arrival as may be necessary for the prompt determination of all cases of aliens detained at such ports under the provisions of law. Such boards shall consist of three members, who shall be selected from such of the immigrant officials in the service as the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury [Secretary of Commerce and Labor], shall from time to time designate as qualified to serve on such boards: *Provided*, That at ports where there are fewer than three immigrant inspectors, the Secretary of the Treasury [Secretary of Commerce and Labor], upon recommendation of the Commissioner-General of Immigration, may designate other United States officials for service on such boards of special inquiry. Such boards shall have authority to determine whether an alien who has

been duly held shall be allowed to land or be deported. All hearings before boards shall be separate and apart from the public, but the said boards shall keep complete permanent records of their proceedings and of all such testimony as may be produced before them; and the decision of any two members of a board shall prevail and be final, but either the alien or any dissenting member of said board may appeal, through the commissioner of immigration at the port of arrival and the Commissioner-General of Immigration, to the Secretary of the Treasury [Secretary of Commerce and Labor], whose decision shall then be final; and the taking of such appeal shall operate to stay any action in regard to the final disposal of the alien whose case is so appealed until the receipt by the commissioner of immigration at the port of arrival of such decision.

SEC. 26. That no bond or guaranty, written or oral, that an alien shall not become a public charge shall be received from any person, company, corporation, charitable or benevolent society or association unless authority to receive the same shall in each special case be given by the Commissioner-General of Immigration, with the written approval of the Secretary of the Treasury [Secretary of Commerce and Labor].

SEC. 27. That no suit or proceeding for a violation of the provisions of this Act shall be settled, compromised, or discontinued without the consent of the court in which it is pending, entered of record, with the reasons therefor.

SEC. 28. That nothing contained in this Act shall be construed to affect any prosecution or other proceeding, criminal or civil, begun under any existing Act or any Acts hereby amended, but such prosecutions or other proceedings, criminal or civil, shall proceed as if this Act had not been passed.

SEC. 29. That the circuit and district courts of the United States are hereby invested with full and concurrent jurisdiction of all causes, civil and criminal, arising under any of the provisions of this Act.

SEC. 30. That after the first day of January, nineteen hundred and three, all exclusive privileges of exchanging money, transporting passengers or baggage, or keeping eating houses, and all other like privileges in connection with any United States immigration station, shall be disposed of after public competition, subject to such conditions and limitations as the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of the Treasury [Secretary of Commerce and Labor], may prescribe: *Provided*, That no intoxicating liquors shall be sold in any such immigrant station; that all receipts accruing from the disposal of such exclusive privileges as herein provided shall be paid into the United States Treasury to the credit of the immigrant fund provided for in section one of this Act.

SEC. 31. That for the preservation of the peace, and in order that arrests may be made for crimes under the laws of the States and Territories of the United States where the various immigrant stations are located, the officers in charge of such stations, as occasion may require, shall admit therein the proper State and municipal officers charged with the enforcement of such laws, and for the purposes of this section the jurisdiction of such officers and of the local courts shall extend over such stations.

SEC. 32. That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of the Treasury [Secretary of Commerce and Labor], shall prescribe rules for the entry and

inspection of aliens along the borders of Canada and Mexico, so as not to unnecessarily delay, impede, or annoy passengers in ordinary travel between the United States and said countries, and shall have power to enter into contracts with foreign transportation lines for the same purpose.

SEC. 33. That for the purposes of this Act the words "United States" as used in the title as well as in the various sections of this Act shall be construed to mean the United States and any waters, territory or other place now subject to the jurisdiction thereof.

SEC. 34. That no intoxicating liquors of any character shall be sold within the limits of the Capitol building of the United States.

SEC. 35. That the deportation of aliens arrested within the United States after entry and found to be illegally therein, provided for in this act, shall be to the trans-Atlantic or trans-Pacific ports from which said aliens embarked for the United States; or, if such embarkation was for foreign contiguous territory, to the foreign port at which said aliens embarked for such territory.

SEC. 36. That all Acts and parts of Acts inconsistent with this Act are hereby repealed: *Provided*, That this Act shall not be construed to repeal, alter, or amend existing laws relating to the immigration, or exclusion of Chinese persons or persons of Chinese descent.

SEC. 37. That whenever an alien shall have taken up his permanent residence in this country, and shall have filed his preliminary declaration to become a citizen, and thereafter shall send for his wife or minor children to join him, if said wife, or either of said children, shall be found to be affected with any contagious disorder, and if it is proved that said disorder was contracted on board the ship in which they came, and is so certified by the examining surgeon at the port of arrival, such wife or children shall be held, under such regulations as the Secretary of the Treasury [Secretary of Commerce and Labor] shall prescribe, until it shall be determined whether the disorder will be easily curable, or whether they can be permitted to land without danger to other persons; and they shall not be deported until such facts have been ascertained.

SEC. 38. That no person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to all organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, shall be permitted to enter the United States or any Territory or place subject to the jurisdiction thereof. This section shall be enforced by the Secretary of the Treasury [Secretary of Commerce and Labor] under such rules and regulations as he shall prescribe.

That any person who knowingly aids or assists any such person to enter the United States or any Territory or place subject to the jurisdiction thereof, or who connives or conspires with any person or persons to allow, procure, or permit any such person to enter therein, except pursuant to such rules and regulations made by the Secretary of the Treasury [Secretary of Commerce and Labor], shall be fined not more than five thousand dollars, or imprisoned for not less than one nor more than five years, or both.

SEC. 39. That no person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to all organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, or who has violated any of the provisions of this Act, shall be naturalized or be made a citizen of the United States. All courts and tribunals and all judges and officers thereof having jurisdiction of naturalization proceedings or duties to perform in regard thereto shall, on the final application for naturalization, make careful inquiry into such matters, and before issuing the final order or certificate of naturalization cause to be entered of record the affidavit of the applicant and of his witnesses so far as applicable, reciting and affirming the truth of every material fact requisite for naturalization. All final orders and certificates of naturalization hereafter made shall show on their face specifically that said affidavits were duly made and recorded, and all orders and certificates that fail to show such facts shall be null and void.

That any person who purposely procures naturalization in violation of the provisions of this section shall be fined not more than five thousand dollars, or shall be imprisoned not less than one nor more than ten years, or both, and the court in which such conviction is had shall thereupon adjudge and declare the order or decree and all certificates admitting such person to citizenship null and void. Jurisdiction is hereby conferred on the courts having jurisdiction of the trial of such offense to make such adjudication.

That any person who knowingly aids, advises, or encourages any such person to apply for or to secure naturalization or to file the preliminary papers declaring an intent to become a citizen of the United States, or who in any naturalization proceeding knowingly procures or gives false testimony as to any material fact, or who knowingly makes an affidavit false as to any material fact required to be proved in such proceeding, shall be fined not more than five thousand dollars, or imprisoned not less than one nor more than ten years, or both.

The foregoing provisions concerning naturalization shall not be enforced until ninety days after the approval hereof.

Approved, March 3, 1903.

AN ACT to establish the Department of Commerce and Labor.

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SEC. 2. That there shall be in said Department an Assistant Secretary of Commerce and Labor, to be appointed by the President, who shall receive a salary of five thousand dollars a year. He shall perform such duties as shall be prescribed by the Secretary or required by law. There shall also be one chief clerk and a disbursing clerk and such other clerical assistants as may from time to time be authorized by Congress; and the Auditor for the State and other Departments shall receive and examine all accounts of salaries and incidental expenses of the office of the Secretary of Commerce and Labor, and of all bureaus and offices under his direction, all accounts relating to the Light-House Board, Steamboat-Inspection Service, Immigration, Navigation,

kan fur-seal fisheries, the National Bureau of Standards, Coast Geodetic Survey, Census, Department of Labor, Fish Commission to all other business within the jurisdiction of the Department of merce and Labor, and certify the balances arising thereon to the sion of Bookkeeping and Warrants and send forthwith a copy of certificate to the Secretary of Commerce and Labor.

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EC. 4. That the following-named offices, bureaus, divisions, and ches of the public service, now and heretofore under the juris- ion of the Department of the Treasury, and all that pertains to the e, known as the Light-House Board, the Light-House Establish- t, the Steamboat-Inspection Service, the Bureau of Navigation, United States Shipping Commissioners, the National Bureau of dards, the Coast and Geodetic Survey, the Commissioner-General Immigration, the commissioners of immigration, the Bureau of nigration, the immigration service at large, and the Bureau of Sta- cs, be, and the same hereby are, transferred from the Department he Treasury to the Department of Commerce and Labor, and the e shall hereafter remain under the jurisdiction and supervision of last-named Department; * * *.

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EC. 7. That the jurisdiction, supervision and control now pos- ed and exercised by the Department of the Treasury over the fur- , salmon and other fisheries of Alaska and over the immigration aliens into the United States, its waters, territories and any place ject to the jurisdiction thereof, are hereby transferred and vested he Department of Commerce and Labor: *Provided*, That nothing tained in this Act shall be construed to alter the method of collect- and accounting for the head-tax prescribed by section one of the entitled "An Act to regulate immigration," approved August d, eighteen hundred and eighty-two. That the authority, power jurisdiction now possessed and exercised by the Secretary of the asury by virtue of any law in relation to the exclusion from and residence within the United States, its territories and the District Columbia, of Chinese and persons of Chinese descent, are hereby nsferred to and conferred upon the Secretary of Commerce and or, and the authority, power and jurisdiction in relation thereto r vested by law or treaty in the collectors of customs and the col- ors of internal revenue, are hereby conferred upon and vested such officers under the control of the Commissioner-General of migration, as the Secretary of Commerce and Labor may desig- e therefor.

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EC. 13. That this Act shall take effect and be in force from and er its passage: *Provided, however*, That the provisions of this Act er than those of section twelve in relation to the transfer of any sting office, bureau, division, officer or other branch of the public vice or authority now conferred thereon, to the Department of mmerce and Labor shall take effect and be in force on the first day July, nineteen hundred and three, and not before.

Approved, February 14, 1903.

ACT OF MARCH 22, 1904.

AN ACT to extend the exemption from head tax to citizens of Newfoundland entering the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section one, chapter ten hundred and twelve, of the Statutes at Large of the United States of America (Fifty-seventh Congress, second session), is hereby amended by inserting in line four, after the word "Canada," the word "Newfoundland," so as to read as follows:

"That there shall be levied, collected, and paid a duty of two dollars for each and every passenger not a citizen of the United States, or of the Dominion of Canada, Newfoundland, the Republic of Cuba, or of the Republic of Mexico, who shall come by steam, sail, or other vessel from any foreign port to any port within the United States, or by any railway or any other mode of transportation from foreign contiguous territory to the United States. The said duty shall be paid to the collector of customs of the port or customs district to which said alien passenger shall come, or, if there be no collector at such port or district, then to the collector nearest thereto by the master, agent, owner, or consignee of every such vessel or transportation line. The money thus collected shall be paid into the United States Treasury and shall constitute a permanent appropriation to be called the 'immigrant fund,' to be used under the direction of the Secretary of the Treasury [Secretary of Commerce and Labor] to defray the expense of regulating the immigration of aliens into the United States under this Act, including the cost of reports of decisions of the Federal courts, and digests thereof, for the use of the Commissioner-General of Immigration, and the salaries and expenses of all officers, clerks, and employees appointed for the purpose of enforcing the provisions of this Act. The duty imposed by this section shall be a lien upon the vessels which shall bring such aliens to ports of the United States, and shall be a debt in favor of the United States against the owner or owners of such vessels, and the payment of such duty may be enforced by any legal or equitable remedy. The head tax herein provided for shall not be levied upon aliens in transit through the United States nor upon aliens who have once been admitted into the United States and have paid the head tax who later shall go in transit from one part of the United States to another through foreign contiguous territory: *Provided*, That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of the Treasury [Secretary of Commerce and Labor], by agreement with transportation lines, as provided in section thirty-two of this Act, may arrange in some other manner for the payment of the duty imposed by this section upon aliens seeking admission overland, either as to all or as to any such aliens."

Approved, March 22, 1904 (33 Stat., part 1, page 144).

JOINT RESOLUTION amending an Act entitled "An Act to regulate the immigration of aliens into the United States," approved March third, nineteen hundred and three.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the words "Secretary of the Treasury" wherever used in the Act entitled "An Act to regulate the immigration of aliens into the United States," approved March third, nineteen hundred and three, or in amendments thereto, or in prior acts in relation to alien immigration, be stricken out, and the words "Secretary of Commerce and Labor" inserted in lieu thereof.

Approved, April 28, 1904 (33 Stat., part 1, p. 591).

AN ACT making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and six, and for other purposes, approved February 3, 1905, under the head "Bureau of Immigration," provides as follows:

Provided, That the Commissioner-General of Immigration, with the approval of the Secretary of Commerce and Labor, shall have power to refund head tax heretofore and hereafter collected under section one of the immigration Act approved March third, nineteen hundred and three, upon presentation of evidence showing conclusively that such collection was erroneously made.

AN ACT to amend an Act approved July first, nineteen hundred and two, entitled "An Act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," and to amend an Act approved March eighth, nineteen hundred and two, entitled "An Act temporarily to provide revenue for the Philippine Islands, and for other purposes," and to amend an Act approved March second, nineteen hundred and three, entitled "An Act to establish a standard of value and to provide for a coinage system in the Philippine Islands," and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes.

* * * * * * * *

SEC. 6. That the immigration laws of the United States in force in the Philippine Islands shall be administered by the officers of the general government thereof designated by appropriate legislation of said government, and all moneys collected under said laws as duty or head tax on alien immigrants coming into said islands shall not be covered into the general fund of the Treasury of the United States, but shall be paid into the treasury of said islands to be used and expended for the government and benefit of said islands.

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Approved, February 6, 1905.

AN ACT making appropriations to supply deficiencies in the appropriations for the fiscal year ending June thirtieth, nineteen hundred and five, and for prior years, and for other purposes, approved March third, nineteen hundred and five, under the head "Department of Commerce and Labor," provides as follows:

Provided, That the necessary expenses incident to the detention of aliens ordered deported, whose attendance as witnesses is required in behalf of the United States in prosecutions arising under the immigration laws, may be paid from the permanent appropriation for "Expenses of regulating immigration."

(Supplementing section 19, Act approved March 3, 1903.)

AN ACT making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and six, and for other purposes, approved March third, nineteen hundred and five, provides as follows:

Provided, That the annual subscriptions for publications for use in the immigration service at large may be paid in advance.